Charlottetown, P.E.I. -- Bylaws

BY-LAWS

OF THE

City of Charlottetown

AND THE

Acts of Incorporation

As Consolidated and Amended

A. D. 1906

Commissioners:

HON. F. L. HASZARD, K. C.
J. A. MACDONALD, Esq.

CHARLOTTETOWN, P. E. I.
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CHARLOTTETOWN,

PRINCE EDWARD ISLAND

To His Worship the Mayor and City Councillors of the City of Charlottetown:

YOUR WORSHIP AND GENTLEMEN,—

We, the undersigned Commissioners appointed to consolidate and revise the By-laws of the City of Charlottetown, and the Committee appointed by the City Council on the consolidation and revision of the By-laws, beg to report as follows:

The Commissioners report that the work of consolidation and revision has now been completed by them, and is contained in the volume attached thereto. In this consolidation and revision the said Commissioners have found it necessary to recast or amend almost all the By-laws of the City in order to make them meet the requirements of the City and the changes of the law. A number of the By-laws having become obsolete are omitted in this consolidation.

452140

The Committee appointed by the Council report that they have gone through and revised the work of the Commissioners, and they approve of the same as contained in the annexed volume, and recommend its adoption by the City Council.

Dated at Charlottetown, this Eighth day of January, A. D. 1906.

(Sgd.) F. L. HASZARD,
(Sgd.) J. A. MACDONALD,
Commissioners.

(Sgd.) D. L. HOOPER,
(Sgd.) JAMES PATON,
(Sgd.) GORDON T. ALLEY
} *Committee of the City Council.*

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A By-law relating to the By-laws of the City of Charlottetown.

BE it enacted by the City Council of the City of Charlottetown, as follows :

1. Where the words following occur in this or any By-law of the City of Charlottetown (except By-laws for the issue of debentures or the creation of any debt passed at or subsequent to the passing of this By-law) they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears or the interpretation which such provision would give to any word, expression, or clause, is inconsistent with the context of the By-law in which it occurs. Interpretation of words in By-laws

(*a*) The word "herein" used in any section of a By-law shall be construed to relate to the whole By-law and not to that section only. "herein"

(*b*) The word "shall" shall be construed as imperative ; and the word "may" as permissive. "shall" and "may"

(*c*) The word "month" shall mean a calendar month ; and the word "year" a calendar year. "month" "year"

(*d*) The words "the City" shall mean "the City of Charlottetown." "City"

(*e*) The words "the Corporation" shall mean "the Municipal Corporation of the City of Charlottetown." "Corporation"

"the Council" (*f*) The words "the Council" shall mean "the Municipal Council of the City of Charlottetown."

"Mayor" (*g*) The word "Mayor" shall include the person acting as Mayor, or the person for the time being having the powers of or performing the duties of the Mayor of the City of Charlottetown.

"Person" (*h*) The word "person" shall include any body corporate or politic, or party, and the heirs, executors, administrators, or other legal representatives of such person to whom the context can apply according to law.

"Street" (*i*) The word "street" or "streets" shall include all highways, roads, lanes, alleys, avenues, thoroughfares, drives, bridges and ways of a public nature, and shall also include sidewalks, boulevards, courts, court yards, commons, mews, parks, public squares, and other public places, unless the contrary is expressed, or unless such construction would be inconsistent with the context or the manifest intention of the By-law.

Singular number and masculine gender (*j*) Words importing the singular number, or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males and the converse.

Duties of certain officers may be performed by other persons (*k*) The duties prescribed to any particular officer of the Corporation by any By-law may be performed by such other officer or person as may be appointed by the Mayor or other authority to perform such duties.

2. The repeal of any By-law, or part of a

By-law, shall not revive any By-law or part of a By-law, or prevent the effect of any saving clause therein. Effect of repeal of By-laws

3. The By-laws of the City of Charlottetown heretofore passed, intituled as follows, are hereby repealed :— By-laws repealed

"A By-law regulating the Fire Department."

"A By-law to prevent Nuisances."

"A By-law to establish and regulate one or more Pounds."

"A By-law to prevent disorderly Riding and Driving.

"A By-law for establishing a Lock-up House for the City of Charlottetown."

"A By-law relating to Public Pumps, Wells, Cisterns, Reservoirs and Fountains."

"A By-law relating to Auditing City Accounts."

"A By-law relating to Drunkenness."

"A By-law respecting Markets."

"A By-law relating to Auctioneers."

"A By-law relating to Criers."

"A By-law respecting Theatres and Public Shows.

"A By-law regulating the Weight and Quality of Bread."

"A By-law relating to Planting the Streets and Squares."

"A By-law respecting Porters and Hand Cartmen."

"A By-law for Sanitary Purposes."

"A By-law for the more effectual Prevention of Cruelty to Animals."

"A By-law respecting Truckmen and Truckage."

"A By-law relating to Lamps."

"A By-law to regulate and compel the removal of Snow."

"A By-law to regulate and compel the removal of Snow and Ice from off the Sidewalks."

"A By-law regulating the weight of Butter."

"A By-law relating to Dogs and the taxing thereof."

"A By-law relating to Coal, Culm, Coke, and to Coal Meters and Weighers."

"A By-law relating to Highways, Streets, Squares and Bridges, and defining the duties of the Surveyor."

"A By-law relating to the City Wharves."

"A By-law relating to Horses and Carriages, and for the purpose of taxing the same."

"A By-law for the licensing, regulating or permitting Billiard Tables, Bowling Alleys, or other like places of amusement."

"A By-law respecting Milk Vendors."

"A By-law for the regulation of 'the Victoria Park Roadway, known as 'Victoria Terrace.'"

"A By-law to provide for the granting of Licenses to certain persons not being residents of the City."

"A By-law to suppress disorderly houses and houses of ill-fame."

"A By-law relating to the duties of the City Electrician."

"A By-law to prevent children being on the streets after a certain hour at night,"—

Shall be and the same are hereby severally repealed, provided that such repeal shall not effect any act done or any right accruing or accrued, or established, or any suit, action, or proceeding had, or commenced in any civil case before the time when said repeal shall take effect, nor any offence committed, nor any penalty or forfeiture incurred, nor any suit or prosecution pending at the time of such repeal for any offence committed, or for the recovery of any penalty, forfeiture, taxes, rates or assessments incurred or due under any of the By-laws so repealed.

4. The By-laws intituled as follows :

Publication of consolidated by-laws

"A By-law to establish Rules of Order to regulate the proceedings of the City Council of the City of Charlottetown and in the Committees thereof."

"A By-law regulating the Fire Department."

"A By-law to prevent Nuisances."

"A By-law to establish and regulate one or more Pounds."

"A By-law to prevent disorderly Riding and Driving."

"A By-law for establishing a Lock-up House for the City of Charlottetown."

"A By-law relating to Auditing City Accounts."

"A By-law relating to Drunkenness."

"A By-law respecting Markets."

"A By-law relating to Auctioneers."

"A By-law respecting Theatres and Public Shows."

"A By-law regulating the Weight and Quality of Bread."

"A By-law relating to planting the Streets and Squares."

"A By-law for Sanitary Purposes."

"A By-law for the more effectual Prevention of Cruelty to Animals."

"A By-law respecting Truckmen and Truckage."

"A By-law relating to Lamps."

"A By-law to regulate and compel the removal of Snow and Ice from off the sidewalks."

"A By-law regulating the Weight of Butter."

"A By-law relating to Dogs and the taxing thereof."

"A By-law relating to Coal, Culm, Coke and to Coal Meters and Weighers."

"A By-law relating to Highways, Streets, Squares and Bridges, and defining the duties of the Surveyor."

"A By-law relating to the City Wharves."

"A By-law relating to Horses and Carriages and for the purpose of taxing the same."

"A By-law for the licensing, regulating or permitting Billiard Tables, Bowling Alleys, or other like places of amusement."

"A By-law respecting Milk Vendors."

"A By-law for the management and regulation of the Victoria Park Promenade and Roadway."

"A By-law to provide for the granting of Licenses to certain persons not being residents of the City of Charlottetown."

"A By-law to suppress Disorderly Houses and Houses of Ill-fame."

"A By-law relating to the duties of the City Electrician,"—

Contained in the volume accompanying the report of the Commissioners appointed to consolidate and revise the By laws of the City of Charlottetown, and the Committee of the City Council on the consolidation and revision of By-laws dated the 8th day of January, A. D. 1906, shall be held to be the originals of the said By-laws, and any misprint or error, whether of commission or omission, or any contradiction or ambiguity in the said By-laws may be corrected and such alterations in the language of said By-laws as are requisite in order to preserve a uniform mode of expression may be made, and when such alterations and corrections are made as aforesaid, the said By-laws shall be printed for publication, and there shall be a fair copy of each of the said By-laws printed or written on one side of the paper only, and filed

in the office of the City Clerk of the City of Charlottetown, and the said City Clerk shall attach to each of the said By-laws so printed or written as aforesaid, the Seal of the City, and the said By-laws shall be signed by the Mayor of the City and the said Clerk, and shall be the original By-laws in lieu of the By-laws contained in the said volume.

When By-laws come into force.

5. The By-laws mentioned in Section 4 of this By-law shall come into force on the day of the coming into force of this By-law.

Time when this By-law comes into force

6. This By-law shall come into force and have effect from and after the Twenty-eighth day of February, in the year of Our Lord one thousand nine hundred and six.

CAP. I.

A By-law to establish Rules of Order to regulate the proceedings of the City Council of the City of Charlottetown and in the committees thereof.

THE City Council of the City of Charlottetown enacts as follows :—

Rules and regulations for the dispatch of business in the City Council

The following Rules and Regulations shall be observed and shall be the Rules and Regulations for the Order and Despatch of Business in the City Council of the City of Charlottetown, and in the committees thereof.

COUNCIL MEETINGS.

Regular meetings of the Council

1. There shall be in each year twelve monthly meetings of the said Council, which shall be held on the second Monday in each month, in each and every year, and the said meetings shall not, at any one time, be held for a longer period than three successive days, in which Sundays, Ash Wednesday, Good Friday, Christmas, and the First of July, shall not be included.

Majority to govern

2. In all meetings of the said Council, the majority of the members present at such meetings shall determine all questions and matters submitted to, or under the consideration of the said Council : provided that the number present at the said meetings be not less than five Councillors, and at all such meetings the Mayor of the

Quorum

said City shall preside ; or in case of his absence such Councillor as the members of the Council so assembled shall choose to be Chairman thereof, and in case of an equality of votes, the Mayor or Chairman presiding shall have a casting vote.

In absence of Mayor, chairman to be appointed

Notice of meetings

3. Written notices of meetings signed by the City Clerk shall be sent to the Mayor, Councillors and Recorder, three days previous to any meeting, (except in the case of an adjourned meeting, when a shorter notice may be sufficient.)

Special meetings

4. It shall be lawful for the Mayor of the said City to call a special meeting of the said Council when and as often as he may deem it proper, after three days' previous notice thereof, and in case the said Mayor shall refuse to call any such meeting after a requisition for that purpose signed by three or more members of the said Council, it shall be lawful for such three or more members to call a meeting of the said Council after three days' previous notice, which notice shall specify the business for which the proposed meeting is to be held, and shall be signed by the members ; and in all cases of such special meetings as aforesaid, a summons to attend the Council, specifying the business to be transacted at such meetings, and signed by the City Clerk, shall be left at the usual place of abode of every member of the said Council, at least three days before such meetings. In case of the absence or death of the Mayor or head of the Council, a special meeting may be summoned at any time by the Clerk upon a special requisition to him, signed by a majority of the members of the Council.

Emergency meetings

5. In case of any emergency, it shall be lawful for the Mayor, or the presiding Councillor in the absence of the Mayor, to call a meeting of the City Council, at such time as he may direct, without giving three days' notice, as prescribed in the above section.

Absence of a quorum of members

6. At the time appointed for any meeting if one hour shall elapse without a quorum appearing, (*i. e.* the Mayor and five Councillors, or the Mayor not being there, six Councillors), meeting shall stand *ipso facto* adjourned until the day following, (unless the next day shall be Sunday, Ash Wednesday, Good Friday, Christmas or the First of July, and in such case until the second day). In either case the Council shall meet at the same hour which had been named for the original meeting.

adjournment

7. At any time that business requires it, the Council may adjourn for part of a day, or for one, two, or more days. On every adjournment for one or more days, notice in writing of the hour and place of the adjourned meeting shall be sent to the Mayor, Councillors and Recorder, except to such as were present at the adjournment.

Mayor to preside

8. As soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the Chair and call the members to order.

In absence of Mayor, chairman to be appointed

9. In case the Mayor does not attend within half an hour after the time appointed, the Clerk, or some one appointed to supply his place, shall call the members to order, and if a quorum be

present, a temporary Chairman shall be chosen from amongst the Councillors who shall preside during the meeting, or until the arrival of the Mayor.

Questions of order

10. The Mayor or Chairman shall preserve order and decorum. He shall have the privilege of speaking to points of order in preference to other members. And shall decide all questions of order subject to an appeal to the Council, if such appeal be regularly moved and seconded.

Casting vote in case of equality

11. In case of an equality of votes, the Mayor of Chairman before giving his casting vote may express his reasons for deciding, but he is not otherwise to take part in any debate unless to preserve order.

Minutes of Meetings

12. The Minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the Mayor or Councillor presiding at such meetings ; and the said Minutes shall be be open to the inspection of all persons qualified to vote at the election of Councillors, and the said meetings shall be held with open doors.

Minutes to be read

13. As soon as the Chair is taken, a quorum being present, the Minutes of the preceding meeting shall be read by the Clerk in order that any mistake therein may be corrected by the Council.

Members speaking

14. Every member who speaks in Counci shall do so standing, and shall always address the Chair, and shall sit down again as soon as he is done speaking.

15. If two or more members rise at the same time, it shall be decided by the Chair which is to be heard, and while any member has the floor and does not violate order, he is not to be interrupted. Questions of Order

16. A motion or resolution which has been moved, seconded and read, cannot be withdrawn except by leave of the Council. Withdrawal of motion

17. Before any motion or resolution is debated, it must be reduced to writing, moved and seconded, and then read aloud by the Clerk. Must be in writing

18. When a question is regularly under debate, no other question or motion shall be entertained until it is decided—unless it be : How motion disposed of

(*a*) A motion in amendment of the original resolution.

(*b*) A motion to refer the matter to a special committee.

(*c*) A motion to postpone the consideration of the question to some future day named.

(*d*) A motion to postpone the question indefinitely (*i. e.*) to lay it on the table.

(*e*) A motion that the question be now put on.

(*f*) A motion to adjourn. Only one amendment shall be allowed to an amendment, and any amendment more than one must be to the main question. After the question has been taken upon any decision, it shall be competent to call for the names on the decision and to have the same recorded.

No debate on certain motions

19. No debate shall be allowed upon any motion of the previous question or upon any motion of adjournment made during the debate.

Language used by members

20. Every member shall confine himself to the question actually under discussion, and shall abstain from all personal reflections and irritating language.

Every member to vote

21. Every member present when a question is taken shall vote upon it, unless excused by the Council from doing so upon some good grounds stated.

Members leaving Council Chamber

22. No member shall leave the room during the transaction of business, without permission of the Mayor or Chairman.

Penalty for leaving without leave

23. Every member who leaves the room without permision of the Mayor or Chairman, unless he excuses himself to the satisfaction of the Mayor and Council, shall be considered under censure, and an entry of such censure shall be made on the Journal of the Council and not expunged until the above satisfaction is made.

Member called to order

24. Any member called to order by the Chair shall sit down at once. He may, nevertheless, by leave of the Chair, rise afterwards to explain.

Question to be read at any time

25. Any member may have the question read for his information at any period during the debate, but he is not at liberty to interrupt for this purpose any member who is speaking.

26. Every member shall be restricted to

speak not more than twice upon the same question. A member, however, who has spoken to the question may speak again once upon every distinct amendment. Speaking restricted

27. Any select committee may proceed with the business referred to them, provided a majority of their members are present, and if the majority of those who are in attendance concur in any conclusion, it will be the duty of the Chairman to report accordingly. Select committees

28. Every By-law shall be read twice in Council before it is finally engrossed. It shall be read a third time before it passes, and shall be signed by the Mayor and City Clerk. Reading of By-laws

29. If the Council desire it for expedition's sake in any case, a By-law or ordinance may receive its two first readings on the same day, but at all events the third reading shall take place on some day subsequent to that on which it receives its first reading. First, second and third readings

30. The City Clerk, as a preparatory step before each meeting of the City Council, shall, with the Mayor's concurrence, make out an arranged list of the several ordinances, reports, petitions and other business matters which it appears requisite to lay before the Council for their consideration, in such order as may seem most judicious. This list shall be termed the "Order of the Day." A copy of it shall be laid on the table for inspection of members, and another copy placed in the hands of the Mayor or Chairman. Clerk to prepare "Order of the Day"

31. As soon as the Minutes of the preceding

Routine of business

meeting have been publicly read and passed, and before proceeding to the Order of the Day, the Mayor or Chairman shall inquire if any chairman of committees or official heads of departments in the administration of the City business have any reports to hand in, and receive the same without then reading them, and shall make a similar demand on members to present any petition intrusted to them which shall in like manner be received without being read. The reading of such reports and petitions shall be postponed until after the several matters named in the "Order of the Day" have been disposed of, unless the Council shall think proper (upon a motion duly made and seconded) to resolve that any particular report or petition should be previously read.

Members presenting reports or petitions

32. The member presenting any report or petition shall endorse his name upon it before giving it in, as security that he has looked it over and believes it not to contain any disrespectful or improper language.

Notice of Bill

33. No bill or ordinance shall be submitted to the Council without notice first having been given at a previous meeting by the Councillor intending to submit the same.

Appointment of special and select committees

34. A special or select committees shall be appointed in Council on motion of a member, duly seconded and agreed to.

Reports of same

35. The reports of all special and standing committees shall be in writing and signed by their chairman when passed unanimously by those who attend: but when there is a difference of opinion the report shall be signed by all those

who concur in it ; the minority may also respectfully report their views in writing to the Council if they think fit.

Standing Committees

36. The following standing committees shall be annually appointed as soon as the elections of Councillors are completed :—

(1) Finance ..... Committee
(2) Street..... "
(3) Public Property and Tender "
(4) Market..... "
(5) Police..... "
(6) Fire ..... "
(7) Light and Power..... "

Accounts exceeding twenty-five dollars, how disposed of

37. No bill, demand, or account against the City, except when the amount does not exceed Twenty five dollars, shall be approved, paid, or audited, unless it be for supplies or services ordered by the City Council or under their authority, or that of some express law ordinance or resolution of Council.

Call of members

38. While any question is under discussion, if not more than five Councillors be present, any member may require a call of the Council to be made. In such case the question shall not be taken or further debated until the absent members have been sent for ; at the end of one hour, however, the delay shall cease, and the Council may then proceed with the question which has been so suspended. If the Council think fit, any other business may go on in the interval.

39. While the Minutes of the preceding

Amendment of Minutes

meeting are being read by the Clerk, any member may move to amend an entry, to rescind or reconsider any resolution therein contained, but a motion for rescinding or reconsidering shall not be permitted unless a formal notice of reconsideration or rescinding has been given on the day of the resolution being passed before adjournment. No such notice, however, shall have the effect of delaying or impeding the action necessary to give effect to any resolution, unless the Council should order otherwise.

Reconsideration of resolutions

Clerk to take minutes of all proceedings

40. The Clerk of the City, or his assistant, shall take minutes of the votes and proceedings of Council, entering therein all resolutions and motions passed; he shall notice therein reports, petitions, and other papers submitted to the Council, only by their titles, or a brief description of their purport, but all accepted reports shall be entered at length, and the minutes shall be fairly copied into the books of the Council and indexed.

Clerk to attend all meetings and have custody of all records, etc.

41. The Clerk, or his assistant, shall attend all meetings of Council and shall make minutes of all proceedings. The Clerk shall have the custody of all records, documents, and papers of the City.

Duty of City Marshal

42. The City Marshal shall attend all meetings of the Council.

Bonds and Securities payable to city

43. All bonds and securities made payable to the City are to be kept in the custody of the City Clerk, with exception of his own bond and that of his securities, which is to be deposited with the Mayor of the City for the time being.

44. Any one or more of these Rules and Orders may be temporarily suspended by the unanimous vote of the Councillors present. Suspension of Rules

45. In all unprovided cases in the proceedings of the Council, or in committee, the law of Parliament shall be followed. Law of Parliament in all unprovided cases

46. All Rules, Orders, and By-laws of the Corporation of the City of Charlottetown inconsistent with or repugnant hereto, shall be and the same are hereby repealed. Repeal

CAP. II.

A By-law Regulating the Fire Department.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Constitution of Fire Department

1. The Fire Department shall be under the sole control of a Board of Engineers to be appointed by the City Council. All vacancies occasioned by death, resignation, or absence, to be filled up by the Council. Any citizens refusing to accept the office of Engineer, when so appointed—ministers of religion, judges of the supreme court, physicians, surgeons, and apothecaries excepted—shall be liable to a fine of sixteen dollars; provided that such person shall not have served as Engineer for the space of twelve months, at any time during the previous three years.

Power of removal

2. The City Council may remove any or all of the Engineers from office at any time.

Duties of Chief Engineer

3. The Chief Engineer shall be appointed by the City Council. He shall have the supreme command over all the other Engineers, Engine, Hook and Ladder, Salvage, or other Fire Companies, Constables, and all persons present at fires. He shall have exclusive control of all fire hydrants, and shall direct all measures for the proper extinguishing of fires. It shall be his duty to inspect the Engine House, Fire Engine and Fire Apparatus belonging to the City once in each month, and superintend any alterations or repairs that may be ordered by

he Board, and cause the same to be made in a prompt and efficient manner. He shall occassionally inspect the different Fire Companies, and report their condition and requirements to the Board, and, in general, maintain a careful oversight over all matters connected with the Fire Department. In the absence of the Chief, the next highest in rank of the Engineers shall be invested with full powers as Chief Engineer for the time being.

Powers and duties of Board

4. The Board of Engineers shall determine their own rank; appoint their own secretary and other officers; make by-laws for their own government, and adopt such rules and regulations for the Department generally, as they may deem fit. They shall have the appointment and control of all officers and men belonging to the fire companies. They shall have the superintendence and control of all fire engines, engine houses, fire apparatus, water tanks, hydrants, and every article necessary for the extinguishment of fires belonging to the City. They shall have full power over all residents in Charlottetown during a fire, and over all persons present at fires.

Duties of Engineers in case of fire

5. At any fire in the City it shall be the duty of the Engineers to repair promptly to the place of such fire, provided with their badges or staves, and proceed, under the directions of the Chief, to arrange the engines and fire apparatus; to require or compel the assistance of persons present—and not otherwise employed by them—in forming lines, conveying water, pumping or assisting at the engines, or in any other way that may be required for subduing the fire, or for the preservation of property. To cause order to be

observed while at the fire, also in going or returning therefrom. To see that the members of the fire companies and others employed at the fire are properly protected in the discharge of their duties. To arrest, or order the arrest of, or prosecute all persons who shall refuse to obey their orders (when not otherwise exempt), or who shall obstruct or interfere with any member of the Fire Department, or any person acting under their orders.

Power to haul down buildings

6. In order to prevent the spreading of any fire, if it shall be deemed necessary by three or more of the Engineers, of whom the Chief Engineer, if present, shall be one, to pull down or demolish any building not actually on fire, it shall be lawful to do so. The owner or owners of such building shall obtain compensation from the city by making good his, her, or their claim before the Board of Engineers, who if they are satisfied that the house or houses have been pulled down by competent authority, shall cause a valuation of the premises so destroyed to be made by two competent assessors—one to be chosen by the Board, the other by the applicant—and if these do not agree, they shall choose an umpire, the decision of any two of whom shall be final. The Board shall transmit such decision to the City Council, and the amount of compensation so awarded (if any), the City Council shall cause to be paid to the parties entitled to receive the same; provided that whatsoever sum of money may be recovered under any policy of insurance effected upon any house or houses so destroyed, as aforesaid, shall be previously deducted from the sum so awarded and directed to be paid.

Compensation to owners

Annual inspection of houses

7. It shall be the duty of the Engineers to visit every house in their respective wards at least once in each year, for the purpose of inspecting the ladders, buckets, chimneys, ovens, furnaces, stoves and pipes, gunpowder, kerosene or other burning fluids. And at any time, when any of the said Engineers shall think fit, or shall receive information of any infraction of the provisions of this By-law, he shall have full power to enter into and inspect any building or premises. Any Engineer neglecting this duty shall be liable to the penalties of this By-law. Any person refusing to admit such Engineer, or giving a false statement in respect to any dangerous chimney, or as to the possession of any explosive material, so as to mislead such Engineer in the discharge of his duties, under this By-law shall be liable, on conviction, to the penalties of this By-law.

Annual Report

Estimates

8. The Board of Engineers shall, during the month of January in each year, furnish the City Council with a written report of their proceedings during the previous year, and an estimate of the required expenditure for the current year, which, when approved, shall be voted by the Council for the proper maintenance of the Fire Department.

Form of Agreement

9. The officers and members of each Engine, Hook and Ladder, Salvage, or other Fire Company, shall, on their acceptance of the office assigned to them, sign the following form of agreement, or they shall not be entitled to any salary or compensation from the Board :—

We, the officers and members of ..... Company, No. ..... by the appointment of

the Board of Engineers of the City of Charlottetown, do hereby signify our agreement to abide by and perform to the best of our ability, the rules and regulations of the said Board relating to our duties as officers and members of said Company.

Duties of Captains of Fire Departments

10. It shall be the duty of the captain or commanding officer of each company to see that the engine, or other property committed to his care, and the buildings in which the same are deposited, are kept neat and clean and fit for immediate use ; to preserve order and discipline at all times when on duty ; to enforce a strict compliance with the rules and regulations of the Board, as well as with the By-laws of his company ; to be prompt in attendance with his company and apparatus at fires ; to obey, and cause to be obeyed, all orders relating to his command, as given by the Chief or Engineer in charge, and not to retire or permit his company to retire from any fire before permission is given by the Chief or Engineer in charge. All vacancies in each company shall be filled up by the choice of the major part of the company, subject to the approval of the Board. Each company shall wear such caps or badges only as the Board shall approve. All By-laws adopted by a two-third vote of each company to be in force when sanctioned by the Board.

Ladders

11. Each house shall have at least two good ladders, forming a complete connection between the ground and the ridge of the roof. Any occupant of a house omitting to have the ladders, or failing to have them in good repair, shall on conviction, be liable to the penalties of this By-law.

12. On the breaking out of a fire, all the male inhabitants of the City within the age of fifteen and sixty years, shall hold themselves responsible to the extent of their ability, to render if called upon by the Fire Department, every assistance in their power to extinguish the fire. They shall obey all orders of the Engineers in forming lines, rendering assistance where required, conveying property from the fire, or in any other possible way that the urgency of the case may demand. They shall also render all necessary assistance when called upon to keep order or suppress tumult while at the fire, or in going to or returning therefrom ; and any person contravening this regulation shall be subject to the penalties of this By-law. All inhabitants to assist at fires if called upon

13. Any chimneys taking fire shall render the occupant liable to the penalties of this By-law, except proof is given that the chimney has been swept within twelve months previous to the fire. No person shall keep, or permit to be kept, in any apartment in which a fire may be occasionally used, or through which a flue may pass, any hay, straw or flax, except as mattresses, nor have any hay, straw, or flax in an exposed position in any yard or open place ; nor keep in any stable or building exceeding five tons of hay or straw (except in bales) at any one time ; nor allow at any time, in any factory, workshop or building, any large quantity of chips or shavings ; nor keep ashes on a wooden floor or in a wooden vessel in any house or out-house. Every violation of this section shall render the person guilty thereof liable to the penalties of this By-law. Chimneys

14. All stoves in use shall be at least

Stoves and Stovepipes

eighteen inches from any wood-work except the floor, and at least six inches clear from a lath and mortar partition, and eight inches clear above a wooden floor, unless a covering of tin or zinc is properly fixed under and outside the stove, when the space may be reduced to six inches. All stoves used in carpenters' or other workshops in which inflammable materials are used, shall have a suitable pan of tin or zinc, or brick or stone floor on the floor under and extending beyond the stove on every side at least eighteen inches. No stove-pipe shall be passed through any roof, outside wall, or window of any building, but shall be carried into brick flues of at least four inches thick, and no block or piece of wood shall be inserted into or form part of any flue or chimney. No stove-pipe shall pass through or near any partition of wood or floor, unless such pipe shall be at least five inches clear from the wood-work in every direction, and, in addition, the wood-work next the pipe shall be properly covered with tin or zinc, or properly built round with brick or stone and lime mortar, unless the pipe should pass through a perforated tin safe, in which case the distance need not exceed three inches.

Defective Chimney

15. If an Engineer shall ascertain that any chimney, flue, oven or boiler is dangerous and unsafe, he shall notify the occupant not to use said chimney, flue, oven or boiler again until it has been properly rebuilt or repaired ; and any person offending in this particular shall, upon conviction, be liable to the penalties of this By-law.

16. No person shall keep, or permit to be kept, in any building more than twenty-five

pounds of gunpowder at any one time, and then only in a properly constructed copper, lead or tin canister, labelled "gunpowder" in conspicuous letters. Gunpowder

17. No person shall within the said city knowingly give or make any false alarm of fire by the ringing of fire bell or fire alarm, or by shouting or calling out "Fire" in a loud voice. False alarms

18. No person shall fire or set off any fire ball, squib, fire cracker or other fire works within the said city, unless authorized so to do by the Mayor or Council of said city. Fireworks

19. Any person having in his or her possession any apparatus or property belonging to the Fire Department, or any property belonging to persons which may have been used at a fire, or property belonging to persons which may have been rescued from a fire, or removed from any building near the fire, shall, within twenty-four hours after such fire, or the obtaining possession of such property, deliver up the same to an engineer, or to the police, or be subject, on conviction, to the penalties of this By-law. Restitution of property

20. Any person or persons injuring any Fire Engines, hose, or other apparatus belonging thereto, or any bell, wire or bell-rope, used by the firemen in giving an alarm of fire, or who shall drive or ride over any hose or other apparatus belonging to or under the control of the Fire Department, without the permission of the Fire Department, or the person or officer in charge of such hose or other apparatus, shall besides being subject to the penalties of this Injuries to fire apparatus

By-law, forfeit and pay, on conviction, such a sum of money as shall be a reasonable satisfaction or compensation for the damage or injury committed by him or them.

Certain spaces to be kept clear in case of fires

21. On all occasions of fire, the side of the street nearest the fire, and for a distance of thirty yards on each side of the fire, and for two-thirds of the width of the street in front thereof, and also the centre of the street on both sides of the space above described, and also any lane or by-way between the public street and the rear of any premises on fire, or along which it may be necessary to run any portion of the fire apparatus, and also the premises or yard room immediately alongside or in the rear of the fire, shall be kept clear of all persons, save only the members of the Fire Department, inmates of the burning premises, Insurance Agents and such other persons as may be called on to assist or be employed at the fire by any of the Engineers of the Fire Department of said city.

How marked out

22. For the better marking the space required to be kept clear as aforesaid, the said engineers shall, where practicable, and subject to the limits aforesaid, cause a stout rope to be run along the outside boundary of such full space, or so much thereof as shall by them be deemed to be sufficient, and every person, except as aforesaid, who shall be inside such enclosure, or in any of the places aforesaid, shall immediately retire therefrom when called upon to do so by any of the said engineers, or by any member of the Fire Department, or by any of the city police.

23. No person shall in any way impede or

hinder any fireman or other person who shall be assisting in extinguishing a fire, or be in the performance of any other duties connected therewith. Impeding firemen

24. Any persons or person guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate a penalty not exceeding the sum of thirty dollars for each offence, exclusive of costs ; and, in default of the payment thereof, forthwith, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city, for any period not exceeding one month, unless the said penalty and cost be sooner paid. Penal clause

CAP. III.

A By-law to Prevent Nuisances

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Profane and obscene language

1. No person shall profanely swear or make use of obscene, blasphemous, or insulting, or abusive language on the streets or public places within the city, nor shall within the said city annoy persons in their shops or dwellings, and any person so offending may be taken into custody, and shall, on conviction, be subject to the penalties of this By-law.

Indecent Exposure

2. No person shall make any indecent public exposure of his or her person within the said city, nor shall any person make an indecent public exposure of any obscene picture, plate, print, drawing, statue, or of any other indecent exhibition within the said city, and any person so offending may be taken into custody, and shall, on conviction, be subject to the penalties of this By-law.

Loafing on streets or sidewalks

3. No person shall loiter on any street, lane, or by-way in the said city ; nor obstruct or annoy passengers by standing across any of the sidewalks, footpaths or crossings, or by using insulting language thereon ; and any person so offending may be taken into custody, and shall, upon conviction, be subject to the penalties of this By-law.

4. Any person who being on any square, street, lane, thoroughfare, sidewalk, or any wharf, shall openly challenge any person to fight, or shall use abusive or provoking language, may be forthwith taken into custody by any of the city authorities, by day or by night, and be subject to the penalties of this By-law. Abusive and provoking language

5. Any persons placing any cart, sled, sleigh, or other unyoked vehicle, or other obstruction of any kind on any of the sidewalks, streets or squares of the city, and who refuse or neglect to remove the same when requested so to do by any of the city authorities, shall thereby subject themselves to the penalties of this By-law, and said articles of obstruction may be seized by any of the city authorities and placed in any of the City Pounds ; and if such articles shall not be claimed before the expiration of four days, then the Pound Keeper shall sell the same in manner prescribed by the By-law of this city regulating Pounds, and the proceeds of such sale shall be held by the Clerk of the City Police Court for the purposes mentioned in said By-law ; the Pound Keeper shall be entitled to a Pound fee on each and every such article of twenty-five cents, to be paid him on delivery or sale. Obstructing sidewalks or streets

6. Every person guilty of riding, driving, or permitting any horse, or beast of burthen, with or without a vehicle, to stand on any of the sidewalks, or who shall stand or place any cart, truck, sleigh, or vehicle across any sidewalk, shall render himself liable to the penalties of this By-law. Obstructing sidewalk

7. Every person who causes any tree or timber, or any other unwieldy matter or thing

Timber, etc., on streets

to be drawn on any of the streets or squares on any vehicle without having sufficient means of safely guiding the same, shall subject himself to the penalties of this By-law, and in addition thereto shall be liable to pay any damage which may accrue therefrom. And no person shall be permitted to draw any tree, timber, or other unwieldy matter or thing upon any of the streets or squares, to the injury of said streets or squares, under the penalties of this By-law, in addition to the cost of repairing such damage.

House moving

8. No person shall in future be permitted to move any house or building on any of the streets or squares without first having obtained a license from the Mayor so to do; nor shall any house or building so being moved stand on any street or square during the night, without good and sufficient light therefrom, to prevent it and the machinery wherewith it is being moved becoming dangerous to passengers. And every person so moving any house or building shall be subject to repair all openings which may be made in the streets and squares for adjusting the machinery, whereby it is moved, forthwith, under the penalties of this By-law, in addition to the cost of repairing such openings.

Openings in streets to be protected

9. No openings in the streets or sidewalks for the purpose of laying down gas-pipes, making sewers or drains, or for any other purpose, shall be permitted to remain open at night without being properly fenced or guarded and lighted after sunset, to prevent their becoming a nuisance or obstruction to passengers; and every person hereafter who shall leave any such openings unguarded or unlighted, shall be

subject to the penalties of this By-law, and be liable to pay for all damage which may accrue therefrom ; and no person shall be allowed to continue said openings beyond a reasonable time for the performance of the object for which they were made, under the penalties of this By-law ; every defective hatchway on any sidewalk shall be likewise guarded at night, till repaired, under the penalties of this By-law ; and in addition thereto the owner of such defective hatchway shall be liable to pay for all damage which may arise on account of the same not being so guarded as aforesaid.

Coasting and games in the streets

10. Whosoever shall course or coast upon a sled in any street, sidewalk, or down any hills on the ice, snow or frozen ground, or be skating on the sidewalks, or play at football, or rolling of hoops, or throwing stones or snowballs, or flying kites, or playing at quoits, marbles, or any other game, that they may molest or obstruct persons in the streets, squares, lanes or thoroughfares of the city, or on any of the wharfs, shall be subject to the penalties of this By-law.

Driving cattle

11. No person shall drive any cattle on the streets or squares at a furious rate, nor shall any person conduct any more than one horse at a time on any of the streets, squares, or thoroughfares, unless the said horses be conveyed with proper halters or reins, so as to be completely under the command and control of their conductor, whereby to prevent their becoming a nuisance or injurious to passengers ; and any persons who shall be guilty of driving horses or cattle in the manner herein provided against, shall render themselves liable to the penalties of this By-law.

for each and every offence, besides the amount of damage which may accrue therefrom to parties.

Firearms

12. No person shall fire or discharge any firearms (except in the discharge of some military duty sanctioned by authority) within the city.

Bell ringing

13. If any person shall ring any bell within the city, except sleigh or horse bells, or for religious purposes, or for public rejoicings, or in case of fire, without having first been duly licensed therefore by the Mayor, he, she, or they shall be liable to the penalties of this By-law.

Goods or other obstructions

14. Every person who places or leaves any furniture, goods, wares, merchandise, casks, boxes or other obstruction of any kind on any of the streets or sidewalks (except for a reasonable time in cases where goods are received or being shipped,) shall render themselves liable to the penalties of this By-law.

Sidewalk to be kept clear

15. Every person who places, hangs up or otherwise exposes to sale any goods, wares, merchandise, matter, or anything whatsoever, so that the same project in, to, or over any sidewalk or beyond the line of any house, shop or building at which the same are exposed, so as to obstruct or incommode the passage of any person over or along said sidewalk, shall be subject to the penalties of this By-law.

No person shall place, fix or hang up any sign or other projection so that the same shall project over any sidewalk or street in the said city, or beyond the line of any house, shop or building to which the same is attached.

16. Every person who rolls any barrow or hand-cart, or carries any cask, case, ladder, plank, pole, timber, log of wood, or other bulky matter or thing upon any sidewalk, except for the purpose of loading or unloading, or of crossing said sidewalk, shall subject themselves to the penalties of this By-law.

17. Every person who wilfully and wantonly disturbs any inhabitant by pulling or ringing any door-bell, or by knocking at any door, house, porch, fence or outbuilding, shall subject themselves to the penalties of this By-law. Ringing door bells

18. No person shall put or place any quantity of snow or ice on any of the streets, squares, lanes, wharves or thoroughfares to the river, so as to form an obstruction or nuisance to travellers or other persons. Snow or ice

19. Any person defacing, altering or destroying any public notice issuing from the Dominion or Provincial Governments, or from the Mayor or Corporation, or any private notices placed by the authority of the city on public property before the time mentioned in such notice for the happening of any event stated therein, shall be subject to the penalties of this By-law. Public Trustees

20. Any person or persons who shall write, cut, or make any inscription of an obscene or other nature, or in any other way deface or injure any public building or fence, or any private building or fence, shall, on conviction thereof, be subject to the penalties of this By-law. Obscene Inscriptions

21. No person shall allow any gates to open

Open gates

outwardly on any street or sidewalk, so as to be an obstruction, and any person permitting their gates so to open, shall be subject to the penalties of this By-law.

Bicycle regulations

22. No person shall ride or drive any Velocipede, Tricycle Bicycle or other vehicle on any sidewalk or on any public square, or on any wharf in the city; and no person shall within the said city ride or drive any of the aforementioned vehicles at a fast or immoderate speed, and every person riding or driving any such vehicle along any street or wharf shall slacken his speed on approaching any crossing for foot-passengers, upon which any person may be crossing such street. The police constables are hereby authorized to arrest and take into custody any person offending against the provision of this section and cause him to be prosecuted for such offence.

Penal clause

23. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate, a penalty not exceeding the sum of thirty dollars for each offence, exclusive of costs; and, in default of payment thereof forthwith it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid.

CAP. IV.

A By-law to Establish and Regulate One or more Pounds.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

1. There shall be one public pound established in, and for the said City of Charlottetown, namely on block thirteen, where the present pound now is, or in such other place as the City Council may direct. Public Pound

2. The said City Council shall, from time to time as occasion may require, establish other pounds in addition to, or in substitution of the said pound hereby established. Other Pounds

3. The City Council shall, from time to time as occasion may require, appoint a responsible person or persons to serve in the office of Pound-keeper, one for each of the pounds established or to be established, who shall hold their office during the pleasure of the Council, and, shall perform their duties under the direction of the City Marshal; and the salary or remuneration of such Pound-keeper or Pound-keepers shall be determined by the City Council. Pound Keeper

4. No person shall allow his or her horse, mule, ass, goat, sheep, swine or cattle of any kind to run at large within the City of Charlottetown; or pasture, or allow any such animal to be pastured upon any street, lane, square or public ground in the said city. And no person shall Cattle at large

allow any animal driven by him from one point in the said city to any other point inside or outside the said city to loiter or stop upon any street, lane, square, or public ground in the said city, or to walk, stray, or be upon any of the sidewalks, or boulevards in the said city.

To be impounded

5. It shall be lawful for the Police Constables of the said city, and for all other persons whatsoever, residents of the said city, to cause all animals mentioned in section 4 of this By-law found running at large in the said city, or walking, straying or being upon any of the sidewalks or boulevards of the said city, or trespassing on his or her land, or loitering or being pastured upon any of the streets, lanes or public grounds of the said city, contrary to the provisions of this By-law, to be impounded and to prosecute all persons offending against the provisions of this By-law. And the keeper of such pound shall, and he is hereby required to receive all such animals mentioned in section 4 of this By-law, and to impound the same until they shall be claimed by their respective owners.

Advertisement

6. The said Pound-keeper shall cause all impounded beasts to be advertised by posting a notice of their being impounded in a conspicuous place in the Police Station of said city, as soon as possible after they have been impounded. And which said notice shall contain a description of the animal, and the time and place, when and where, such animal shall be sold if not previously claimed. The time of such sale to be not less than five days from the date of such notice.

7. There shall be paid by the owner or

owners of all horses, cows, mules, asses, goats, sheep, swine or neat cattle, so impounded as aforesaid, the sum of one dollar for each and every such animal impounded, together with the sum of twenty cents per day for the keep and sustenance of every horse, cow, mule, ass, and head of neat cattle, and the sum of ten cents per day for the keep and sustenance of every goat, sheep and pig so impounded as aforesaid; and if the owner of any such animals so impounded as aforesaid shall neglect or refuse to pay the same to the keeper of the pound, together with the charges of advertising as aforesaid, within four days after the trespassing animal shall be so impounded and advertised, then the said keeper of the pound shall sell or cause the said animals so impounded as aforesaid to be publicly sold, and the money arising from such sale, after deducting the charge of the said keeper for pound fees, and for supporting the said animals whilst so impounded, and all costs of advertisment and sale shall be paid forthwith to the Clerk of the City Police Court for the owner or owners of such animals so impounded and sold as aforesaid; and if no owner or owners shall appear within six months the money so remaining in the hands of the Clerk of the City Police Court, shall be and become part and parcel of the City funds.

Fine

Sustenance and sale

8. No person or persons shall make any breach of the pound or pounds, or shall by any other indirect means rescue any animal mentioned in this By-law out of the same.

Breach of Pound

9. Every Pound-keeper shall immediately, on receiving such pound fee, make due return thereof to the Clerk of the City Police Court,

Pound-keeper to make return of fine

and at the same time shall pay into the City Police Court, seventy-five cents of every such fee so collected by him.

Penal clause

10. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate, a penalty not exceeding the sum of ten dollars for each offence, exclusive of costs ; and in default of payment thereof, forthwith, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said City, for any period not exceeding twenty days, unless the said penalty and costs be sooner paid.

CAP. V.

A By-law to Prevent Disorderly Riding and Driving.

BE it enacted by the City Council of the City of Charlottetown, as follows:—

Fast riding and driving

1. No person shall ride at a gallop or trot at full speed any horse, mare, gelding, mule or ass, on any street or square of said city.

Conveyance of goods

2. Every person who shall drive any horse, or other animal attached to any truck, sled or carriage, for the conveyance of goods, shall not on any pretence whatever, drive faster through said city than a slow and easy trot, and at all times with proper reins.

To drive in a moderate manner

3. Any person driving any sleigh, truck, cart, chaise, or other carriage within said city, shall drive the same in a moderate and careful manner.

Right of way in passing

4. Every person riding any horse or driving any carriage, wagon, cart, truck sleigh, or other vehicle, on any street or square, in meeting any other horse, wagon, cart, truck, sleigh or other vehicle, shall always leave the same on their right hand in passing.

Loaded carriage, etc., on street.

5. Whenever any carriage, wagon, cart, truck, sleigh or sled, shall at any time stop, or be suffered to stand, loaded or unloaded, on any of the streets, every such carriage, wagon, cart, truck, sleigh or sled, shall be placed at two feet

distant from the sidewalks, at either side of said street.

Bells

6. Every person driving any sled or sleigh on any of the streets or squares, shall have at least one good and sufficient bell affixed to the horse.

Seizure of horse, carriage, etc.

7. Every person who shall be guilty of disorderly riding or driving in any of the streets or squares, the horse, carriage, sled or sleigh, of the person so offending shall be liable to seizure by any of the city authorities and detained until bail be given to the satisfaction of the City Marshal for the appearance of the rider, driver, or person to whose care said horse, carriage, sled, had been entrusted, and the person so offending shall be subject to the penalties of this By-law.

Damages to property

8. Any person who may have been convicted of disorderly driving, and may have occasioned damage thereby to any person or property, shall be liable to pay the full amount of damage adjudged therefor, over and above the fine and costs which may have been ordered by the Stipendiary Magistrate, and the amount of such damage shall be added to the fine and costs imposed.

Longeing

9. Any person who shall be guilty of longeing any horse, mare, or gelding on any of the streets, squares, or thoroughfares of the city, shall render themselves liable to the penalties of this By-law for each and every offence, over and above any damage which may accrue from such practice to any person or property.

10. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate, a penalty not exceeding the sum of twenty dollars for each offence, exclusive of costs; and, in default of payment thereof, forthwith it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid. Penalty

CAP. VI.

A By-law for Establishing a Lock-up House for the City of Charlottetown.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Offenders to be placed in lockup

1. It shall be the duty of the City Marshal and Police Constables to place rioters, drunkards, disorderly persons, and all criminals and offenders against the law who may have been arrested, in the lock-up, or place provided for the same in the City of Charlottetown, to be there kept until the next sitting of the City Police Court of the Stipendiary Magistrate, when they shall be brought before the Court for examination ; provided always, that all prisoners committed for breach of the City By-laws

Bail

tendering good and sufficient bail shall, on executing a proper bail bond to the City Marshal, conditioned for their appearance at the then next sitting of the said Court, be discharged out of custody.

Food

2. The City Marshal shall provide prisoners so committed as aforesaid with sufficient food during such imprisonment, the cost of such food to be included in the ordinary costs on conviction.

Females

3. Females may be committed to the lock-up during the day, but must be sent to the City jail during the night, and at all times the jailor of such jail shall receive into his custody all such prisoners as may be sent him by the City Marshal ; the written order of the Marshal to accompany such prisoners.

CAP. VII.

A By-law to Establish the City Seal.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

1. That the common seal of the City, made of silver, having engraved on it the device of a ship, a plough and sheaf of grain, and words "City of Charlottetown, Prince Edward Island, Incorporated A. D. 1855," shall be the City Seal. Seal

2. The City Seal shall be kept by the City Clerk. Where kept

3. All deeds and documents where the city is a party, and whereunto a seal is requisite, shall be authenticated by the city seal and the Mayor and City Clerk shall sign the same, when authorized by any law, or by any city ordinance, or by direction or resolution of the City Council. When affixed

4. The Mayor may affix the seal to any certificate at the request of any person desiring it.

5. Any person requiring the City seal to authenticate documents shall pay to the City the following fees :—

Fees

For any document to be used abroad or out of the City, for the seal....	$1.50
If to be used only within the city..	1.00
For the seal to any certificate.....	0.60

CAP. VIII.

A By-law relating to Auditing City Accounts.

BE it enacted by the City Council of the City of Charlottetown :—

Monthly audit

1. That the accounts of the City Clerk shall be audited by the city auditors once in every month.

Accounts

2. The City Clerk and other officers of the said city shall, in the first week of every month, submit to the said Auditors the accounts of their respective departments, together with all vouchers touching or concerning the same.

CAP. IX.

A By-law relating to Drunkenness.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

1. No person shall be drunk or disorderly in any street or public place within the said city ; and any person who shall be drunk or disorderly in any street or public place in said city shall be liable to the penalties of this By-law. Drunk or disorderly persons

2. The Police Constables shall take in charge all persons found drunk or disorderly in any street or public place in said city, and commit such persons to the Lock-up of said city. To be taken in charge

3. In case of any person having been convicted of any of the above offences tendering payment of the fine and costs which have been awarded, it shall not be imperative on the Stipendiary Magistrate to receive such fine and costs, in case the said offender shall be so intoxicated as not to be suffered safely to go at large, but the said offender may still be detained in custody until he becomes sober, when he may be discharged on payment of such fine and costs ; or on payment of such fine and costs he may be given into the custody of his friends, at the discretion of the Stipendiary Magistrate. When to be set at liberty

Arrest of drunkards

4. All persons found drunk or incapable of taking care of themselves, or lying about the streets, squares, lanes, thoroughfares or wharves in the city, though not disorderly, may be taken in charge by the police constables, and placed in the lock-up aforesaid, or the police constables may give them into the keeping of their friends, if requested so to do ; and such persons so taken in charge shall subject themselves to the penalties of this By-law.

Penal clause

5. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction, in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate a penalty not exceeding Ninety dollars for each offence, exclusive of costs, and in default of payment thereof, it shall, and may be lawful for the said Magistrate to commit the offender or offenders to the common-jail of the said city for any period not exceeding ninety days, unless the said penalty and costs be sooner paid.

CAP. X

A By-law Respecting Markets.

WHEREAS it is necessary to adopt regulations for the good government of the Markets :—

BE it therefore enacted by the City Council of the City of Charlottetown, as follows :—

LIMITS

Limits

1. The limits of the Market of this city shall be and include the whole of the limits of the City of Charlottetown.

Market Place

2. The Market Place, when mentioned in this By-law, shall be deemed that plot of ground at the west end of Queen Square, vested in the city by the Provincial Statutes, 23rd Victoria, Chapter 26 and 35, and 36 Victoria Chapter 25, and 3 Edward VII. Chapter 17, together with the Market Building and other buildings thereon erected.

GENERAL REGULATIONS

Market Building when opened

3. The Market Building shall be open for the accommodation of the public on such day or days in each week as the Market Committee may from time to time name and appoint, subject to the approval of the City Council, and from and until such appointment Tuesday and Friday shall be the days of opening such Market Building.

Only lessees or or licensees to to sell

4. It shall not be lawful for any person or persons, not being lessees of any portion of the said Market place, or not being licensed so to do, to sell or expose for sale, within the said limits, any meat, hay, straw, poultry, butter, eggs or any other articles of country produce, without first paying such toll for the same as is now prescribed by the list of tolls now in force, or such other tolls as may from time to time hereafter be prescribed by the City Council ; nor shall any person or persons sell or expose for sale any goods or chattels, wares or merchandise within the said Market place, by auction or otherwise, without having license or permission so to do ; and every person contravening this regulation shall be subject to the penalties of this By-law.

MARKET COMMITTEE

Market Committee to provide stalls, etc

The Market Committee appointed by the City Council to superintend and regulate Markets shall by and with the consent of the said Council, make such arrangements and provide such number of stalls, tables, or enclosures in and upon the said Market Place as they shall deem necessary for the accommodation of the public and the vendors of meat or other articles.

Sale of stalls, etc.

(a.) And shall prescribe the time, mode, terms of sale, by public auction, of all stalls, seats, or standings in the said Market Place ; and shall also prescribe the manner and terms upon which licenses shall be issued or permission given for the right to sell, by auction or otherwise, of any goods or chattels, wares and merchandise, within the said Market Place ;

(b.) And shall, previously to any such sale as aforesaid, prepare a list of tolls to be taken by the Clerk of the Market from persons exhibiting articles for sale; and shall also, previously to granting any such license or permission to sell, by auction or otherwise, goods or chattels, wares or merchandise, prepare a list or table of rates to be paid by persons having license or permission to sell by auction or otherwise within the said Market Place; and shall also prescribe the conditions on which stalls, seats, or standings shall be let or assigned, and shall draw up rules and regulations for the good government and sanitary condition of the said Market Place, and prescribe the penalties to be taken for the infraction of such rules and regulations, and make a report of the same to the City Council for its approval; and when so approved such rules and regulations, lists of tolls, rates and penalties, shall be printed in handbills, in large and legible type, and shall be affixed in the most conspicious places in the said Market Building, and shall be from time to time renewed as often as may be necessary.

List of tolls

Licenses

Rates

General Rules

Handbills

6. The said Committee may, with the sanction of the City Council, from time to time, alter and amend the said rules and regulations as well as the rate of tolls, and prescribe the time when such alterations shall take place—a list of which alterations shall, at least three consecutive market days before they be put in force, be printed and affixed in the Market Building as before directed.

Rules, etc., how amended

7. The said Committee may authorize the sale at auction or by tender or may let by private contract, with the approval of the City

Sale of tolls, rents, etc.

Council, the tolls, rents of basements, stalls and stands of the Market Building for one or more years ; and the person or persons purchasing the right to collect tolls shall have the same power and authority to enforce the payment of said tolls as is possessed by the Market Clerk ; and the amount to be paid by the lessee for the said tolls and rents shall be paid by quarterly payments in advance into the hands of the City Clerk.

Hay, Straw, etc., where to be sold

8. The said Committee shall appoint suitable places on the squares, or such other places within the city, as stands for the sale of hay, straw, firewood, laths, shingles, boards and other lumber.

SPECIAL REGULATIONS

Breach of Regulations

9. The owner, driver, or person in charge of any cart, truck or sled, or other vehicle loaded with such articles as aforesaid, standing or being on any other place or places than those so appointed with their loads aforesaid, unless for the purpose of delivering such loads, who, on being requested by any of the city authorities to move from the same to the place or places so appointed, shall refuse or neglect to do so, shall be liable to the penalties of this By-law.

Market Committee to assign stands

10. All carts, truck, sleds, or other vehicles loaded with grain, potatoes, turnips, meat, fish, or other articles for market, on arriving at the Market Square shall be arranged in such order as the Committee appointed to superintend Markets may direct, so as to prevent irregularity, inconvenience and confusion ; and persons refusing or neglecting to comply with such

arrangements shall be liable to the penalties of this By-law.

Openings to Market how cleared

11. No persons shall be permitted to congregate or loiter within the said Market Building, or congregate in the openings or approaches to the said Market Building, or place any incumbrance therein so as to prevent ingress and egress to said Building, and any person offending against this Section, after being requested to move away, and also to move the incumbrance which may have been so placed, shall be liable to the penalties of this By-law.

Scales

12. The beams, scales and weights furnished by the city and placed within the enclosure around the Market Building for the purpose of weighing meat, butter, and other articles as may be required to be weighed, shall be used for such purposes under the direction and control of the Market Clerk.

No sub-letting

13. No sub-letting of the stalls or standings shall be permitted under any pretence whatsoever on pain of forfeiture of the use and benefit of the stall by the party who shall sub-let the same, as well as by the party to whom the same shall be sub-let.

Hay Market

14. The hay market shall be, until a more extended area is obtained, the enclosure on the North side of the Market Building, or such other place as the said Market Committee may appoint.

MARKET CLERK

License to sell how granted

15. The Market Clerk may grant daily, weekly, monthly or quarterly licenses for selling

anywhere within the limits of the said Market at and for such rates as the said Market Committee may fix by rules and regulations hereafter to be made, or according to the rules and regulations now existing, and for the sale of such articles as are named in such rules and regulations, to be by him accounted for to the City Clerk ; and the payment of such license fee shall exempt the holder of said license from the payment of tolls for such articles as are mentioned in the said license during the time the same remains in force.

Production of license

16. Any person or persons holding any such license or licenses shall be compelled to produce such license or licenses for inspection to the said City Marshal or such other officer as the City Council may appoint for this purpose.

License fee in Market Place

17. No huckster or other person shall occupy any place or stand, within the said Market Place, for the purpose of exercising their trade or calling, without being licensed so to do—such stand, in all cases, to be assigned by the Market Clerk—the fee of such license not to exceed five dollars per day ; and any person contravening this regulation, shall be subject to the penalties of this By-law.

Buying for export

18. No person, not being a lessee of any stall, stand or shop in said Market Building shall buy for export any commodity exposed for sale within said Market Place without first taking out a license so to do, the precise amount of such license fee to be fixed by the Market Committee, and not to exceed fifty dollars.

19. There shall be a "Basket Area" in the

said Market Building, which shall comprise the centre tables therein. The said "Basket Area" shall be used only by farmers or their wives, daughters or servants, for the sale of butter, eggs, poultry, fruits, and other products of the farm, from baskets or from tables on the said "Basket Area." Basket Area

20. The Market Clerk shall sue for and recover in his own name as Market Clerk, the rent of any stalls, seats or standings, all fees for licenses and all rates and tolls, in the City Court, or other Court of competent jurisdiction, and shall pay the same to the City Clerk for the use of the said City. Collection of rent, fees, etc

21. No fish shall be sold or exposed for sale by retail other than in regularly established stores or shops, where fish are sold by retail within the City of Charlottetown, except in the place situated within the said Market Building to be designated "The Fish Market." Fish Market

22. Persons obstructing the Market Clerk or Police Constables in discharge of their duty, shall be subject to the penalties of this By-law. Obstructing officials

PENALTIES

23. Any person or persons guilty of an infraction of any of the provisions of this By-law, shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate a penalty not exceeding the sum of Thirty Dollars for each offence, exclusive of costs ; and in default of payment thereof it shall and may Penal clause

be lawful for the said Magistrate to commit the offender or offenders to the Common Jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid.

CAP. XI.

A By-law Relating to Auctioneers

BE it enacted by the City Council of the City of Charlottetown, as follows :

1. That licenses for selling by auction in the city shall be granted by the City Council, and shall be made out and issued by the Mayor, upon payment to the City Treasury of a fee of Fifty Dollars, to any person applying for the same being a resident in said city, and of One Hundred Dollars to any person not having been at the time of such application a resident in said city for the space of three months consecutively before such application, and every such license shall continue in force for one year. License Fee

2. No person shall act as an auctioneer within the city without being thereto licensed as aforesaid ; but nothing herein contained shall extend to sheriffs or other officers selling under process of law, or by the decree or direction of any court. Sheriffs

3. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate a penalty not exceeding the sum of Thirty Dollars for each offence, exclusive of costs ; and in default of payment thereof forthwith, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the Common Jail of the city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid. Penal Clause

CAP. XII.

A By-law respecting Theatres and Public Shows.

BE it enacted by the City Council of the City of Charlottetown as follows :—

License

1. That no theatrical exhibitions, public shows or other exhibitions of whatever name or nature, to which admission is obtained on payment of money, shall be allowed within the city, unless by permission and license of the Mayor of the City for the time being, or in his absence, the presiding Councilman, first had and obtained.

Fee

2. The fee or sum to be paid for a license from said Mayor, or in his absence, the presiding Councilman, for every theatrical or public show, or exhibition, shall be a sum of not less than Two Dollars and not more than Fifty Dollars, the precise amount to be fixed by the Mayor or said presiding Councilman.

Fine in force

3. Every such license shall express the number of days it is to continue in force, and an additional sum, not exceeding fifteen dollars, may be demanded for each day beyond the first ; provided nevertheless that it shall be lawful for the City Council upon the application of the owners or managers of any Opera House, Music Hall, or other Public Hall of any kind, to grant a yearly license for such sum as may be determined upon by said Council.

4. If it appear to the Mayor, or in his absence, the presiding Councilman, that any such exhibition is immoral or profane, or indecent in any respect, or that it produces disorderly conduct, he may withhold the license, or in the event of it having been granted, may withdraw it and order the exhibition to be at once closed. Immoral Exhibition, how closed

5. Any person or persons who shall set up, establish or promote any such exhibition or show, or publish or advertise the same to take place, without a license having been first obtained therefor, as aforesaid, or after such license, if obtained, shall be revoked or annulled, shall be liable to the penalties of this By-law. Unlicensed Exhibition

PENALTIES

6. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate, a penalty not exceeding the sum of thirty dollars for each offence, exclusive of costs; and in default of payment thereof forthwith it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city, for any period not exceeding thirty days, unless the said penalty and costs be sooner paid. Penal Clause

CAP. XIII.

A By-law regulating the Weight and Quality of Bread.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Weight

1. All Bread made for sale, or sold or exposed for sale within the said city, except fancy bread, shall be made in loaves of four pounds, two pounds, 1 pound, and one-half pound avoirdupois, and of no other weights.

Ingredients

2. All such bread as aforesaid shall be well made and well baked, of good and wholesome wheaten flour, to which no other preparation or ingredient shall be added than potatoes, common salt, pure water, eggs, milk and yeast ; and every person either master, mistress, servant, or journeyman, who shall knowingly offend in the premises, shall be subject to the penalties of this By-law.

Deficient in weight

3. Any person in future who shall make bread for sale, or who shall send it out, sell or expose for sale any bread which shall be deficient in weight shall be subject to the penalties of this By-law for every loaf so deficient in weight ; such bread so deficient to be brought before the City Police Court, within twenty-four hours after it had been baked, sold or exposed for sale, unless it shall be made to appear to the satisfaction of the said Court that such deficiency wholly arose from some unavoidable accident in baking or otherwise.

4. The clerk or clerks of the Market, or such other officers as the City Council may appoint, shall visit in the day-time the houses, bake-houses, shops and other places of trade or business of every baker or seller of bread, at least one day in every week, to search, view, weigh and try all or any bread which shall there be found, and if any such bread be found to be deficient in weight, or deficient in due baking or working thereof, the manufacturer or seller of such bread shall be subject to the penalties of this By-law. Bakehouses to be inspected

5. If, in their weekly searches, the officers aforesaid shall be obstructed, opposed or molested in the fulfilment of the respective duties, as herein prescribed, the offender or offenders shall be subject to the penalties of this By-law. Obstruction, how dealt with

6. If the purchaser of any loaf or loaves of bread shall discover that such loaf or loaves are not of the regulation weight, or shall be deficient in the due baking or working thereof, or shall contain any other ingredient than permitted by this law, and shall produce such bread at the City Police Court of the Stipendiary Magistrate within the time herein prescribed, the manufacturer or seller thereof shall be subject to the penalties of this By-law. Bread deficient in weight and quality

7. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate a Penal Clause

penalty not exceeding the sum of ten dollars for each offence, exclusive of costs ; and in default of payment thereof, forthwith it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding fourteen days, unless the said penalty and costs be sooner paid.

CAP. XIV.

A By-law relating to Planting the Streets and Squares.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

1. Whenever any of the citizens, either singly or in a body, associated for that purpose, shall make known to the Mayor, by writing, their wish to plant ornamental trees in the squares or streets of the city, it shall be lawful for him to give permission to that effect ; provided such citizens or body of citizens, shall in so doing, conform to the following regulations, viz : Request to plant trees

(a.) All trees to be placed under the inspection of the City Surveyor, at or near the edge of the respective sidewalks, in the different streets at such distance apart as shall be fixed by the City Surveyor. Inspection

(b.) Each tree to be straight in the stem or bole, and not less than six feet high, from the ground to the lowest horizontal limb or branch, and to be carefully planted and firmly secured and boxed up to the height of five feet from the ground. Size, &c.

(c.) The trees to be of the following kinds, viz :—Ash, Birch, Beech, Elm, Maple, Sycamore, Larch or Hackmatack, Lime or Linden tree, Oak, Horsechestnut, Black Walnut or Butternut, Buttonwood, Locust or Acacia, and such other Description of trees

trees, as the Mayor and City Council may from time to time approve of. The trees so planted shall be, and shall be held and considered to be, the property of the City of Charlottetown.

Squares, how planted

2. The standing committee for the streets and squares shall determine in what manner the respective squares are to be planted, and the City Surveyor is to be guided by the directions of the said committee, furnished him for that purpose in writing.

Injuries to trees

3. No person shall cut down, bark, lop or otherwise injure any tree planted under the authority of this By-law, or any tree now planted and growing upon any street or square in the said city, or shall cut down, break or otherwise injure the boxes, supports, or other appendages to or around any such tree.

Horses not to be fastened

4. No person shall fasten horses, whether harnessed or otherwise, to any such trees, or to the boxes around the same.

Penal clause

5. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate a penalty not exceeding Twenty-five dollars for each offence, exclusive of costs ; and in default of payment thereof forthwith, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid.

CAP. XV.

A By-law for Sanitary Purposes.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

1. The City Council shall compose the Board of Health for the said city, who, as such Board of Health, shall have full power and authority to preserve the health of said city, and prevent the spread of infectious or other diseases. Board of Health

2. It shall be lawful for the said Board of Health, when it is deemed indispensible for the public health, and the more properly carrying into effect the sanitary conditions of this By-law, to appoint one or more members of the medical profession, to be medical health officer or officers, to hold office during the pleasure of the Board, and whose duties and remuneration shall be specially defined, from time to time, by resolution of the said Board. Health Officers

3. The said Board shall examine into all nuisances, sources of filth, and causes of sickness within the said city, that may, in its opinion, be injurious to the health of the inhabitants, and shall destroy, remove or prevent the same, as the case may require ; and shall further inquire respecting articles that are capable of containing or conveying infection or contagion brought or carried into the city by any means whatsoever. Duties of Board

4. The said Board may grant permits for, or restrain the removal of any nuisance or infected articles within the said city, when they consider it proper and safe for the public safety so to do. Permits for removal of Nuisances

Inmates of dwelling houses to be removed in certain cases

5. Whenever a disease of a malignant or fatal character is discovered to exist in any dwelling-house within the said city, and which house is situated in an unhealthy or crowded part of the same, or is in a filthy or neglected state, or is inhabited by too many persons; or whenever upon due examinations, it shall appear to the said Board of Health that the number of persons occupying any tenament or building in the city is so great as to be the cause of nuisance, sickness, and the source of filth, they may thereupon give notice in writing to the inhabitants of such dwelling-house or building, or any of them, to move from and quit such tenement or building within such time as the said Board of Health shall deem reasonable; and if any person or persons so notified shall neglect or refuse to move and quit such tenement or building within the time mentioned in such notice, said Board of Health are hereby authorized and empowered thereupon forcibly to remove them; and such person or persons shall further be liable to the penalties of this By-law.

PRIVIES

How constructed

6. All privies shall be so constructed that the inside of the same shall be at least two feet distant from the line of every adjoining lot, and also from every street, lane, square or public place, or private passageway. Every privy, drawer or box, shall be made tight, so that the contents thereof shall not escape therefrom.

Proper number

7. The owner, agent, occupant, or other person having the care of a dwelling-house or any other building, with which there ought to be a privy connected, shall furnish such dwelling-

house or building with a proper and sufficient privy or privies, and of the number and capacity proportionate to the number of inhabitants of such dwelling-house or building or of those having occasion to use such privy ; and every such owner or other person as aforesaid who shall refuse or neglect so to do, shall be subject to the penalties of this By-law ; and the said Board of Health are hereby empowered to cause such privy or privies to be erected at the expense of such owner or other person as aforesaid.

Notice in case insufficient number

8. The number of privies required for any dwelling house or building, with which a privy ought to be connected, shall in all cases, be at the discretion of the Board of Health ; and any owner, after having received written notice from said Board of Health, requiring him, within a reasonable time, to erect a suitable privy or privies on his premises, who shall refuse or neglect to obey such order, shall be liable to the penalties of this By-law.

When to be cleansed

9. The occupier or owner of each privy, drawer or box, shall cause the same to be thoroughly emptied and cleansed at least once in every month, at his own expense, and shall at all times, keep the same in a clean and wholesome state and condition, provided that all persons who empty or cleanse privies, privy-drawers or boxes, must do so between the hours of ten o'clock at night and six o'clock the following morning ; and every person offending against either of the provisions of this section, shall be subject to the penalties of this By-law.

Night-soil, how conveyed

10. Any person or persons conveying offal, filth, night-soil, or human excrement, from

privies or otherwise, through the said city, shall only do so between the hours aforesaid, and shall then convey the contents thereof in such tight or properly covered carts or vehicles as shall not permit the stench thereof, or any portion of said contents to escape, slop, or spill thereout, and every person offending against the provisions of this section, shall be subject to the penalties of this By-law.

Tenders for removing night-soil

11. The said Board of Health may accept tenders for the removal of night-soil, and it shall be the duty of every person authorized to remove such soil, to remove or cause to be removed, from the premises of any of the inhabitants within the said city, the night-soil accumulated therein, and to deposit the same in some place, under the restrictions and subject to the directions of the said Board: Provided always, that no greater sum shall be charged the person or persons from whose premises such night-soil be removed, than is named in the tenders accepted by the said Board of Health; and should the contractor at any time, fail to remove such night-soil within forty-eight hours after having been notified so to do, the sanitary officer of the said city shall have power to employ other parties to do such work, and the excess of cost, if any, shall be paid by such contractor.

Where filth not to be deposited

12. It shall not be lawful for any person or persons within the said city to deposit upon any of the streets, lanes, squares, or upon any land or lot, or on any part of the beach or shores, or on any wharf or breastwork within the said city any night-soil, manure, or other filth or refuse matter of any kind, without the consent and under the direction of the said Board.

13. Every occupier or owner of premises allowing any privy or privy-drawers or boxes to fall into decay, or become offensive, or a nuisance, shall be liable to the penalties of this By-law. Decay of vault

14. Any person guilty of throwing, sweeping or depositing paper, dirt or other nuisance, or depositing rubbish, dead animals, or nuisance of any kind on the streets or squares, or on any part of the beach or shore, or wharves, or causing or permitting any offensive matter to run from any manufactory, slaughter-house or butcher shop, dung hill, or privy, into any street or square, shall be liable to the penalties of this By-law. Filth &c. not to be left in the city.

15. Every owner or occupier of premises allowing or permitting any dirt, manure, animal or vegetable substance, stagnant water, filth, or refuse matter of any kind, to accumulate in any house, warehouse, cellar, yard, field, or other place in the said city, until it becomes offensive and in an unwholesome condition, shall be liable to the penalties of this By-law.

SLAUGHTER-HOUSES

16. No person or persons, or corporate body shall erect, use, or employ any slaughter-house within the limits of the city, without having first made application in writing, and obtained permission and authority from the said Board of Health so to do. Permission for

17. When any such application shall be made, there shall be therein stated, with precision, the place in which it is intended to erect such slaughter-house, the dimensions thereof, the facilities for, and the precautions intended Health Officers report as to location

or contemplated to be taken for removing or disposing of the blood or other impurities, which said application shall be submitted to the health officer to report upon before any such permission or authority is granted.

Conditions Imposed

18. In granting any such application, the said Board of Health may impose such restrictions and conditions as may be deemed expedient, in order to prevent such slaughter-house from being a nuisance to the neighborhood or injurious to the health of the inhabitants.

Removal under certain circumstances

19. When a complaint in writing is made, that any slanghter-house, already erected and in use, has become, or is likely to become a nuisance or injurious to the health of the inhabitants, the same shall be referred to the health officer to report upon, and if the said Board of Health, after consideration of such report, shall think fit to make order for the removal, reconstruction or amendment of such slaughter-house, a notice to that effect, stating the terms of the order of the said Board, shall be served upon the owner or person making use of such slaughter-house ; and non-compliance with the terms of such order, within the time to be therein specified, shall subject the party offending to the penalties of this By-law.

To be kept clean

20. There shall be no accumulation of manure or filth of any description in or about any slaughter-house, or yards connected therewith, within the said city ; but all such slaughter-houses and yards shall at all times be kept clean by the respective owners or occupiers thereof ; and any person contravening the provisions of this section shall be subject to the penalties of this By-law.

GENERALLY.

21. Should the health officer, or any physician, certify that any house or part of a house or building within the said city, is in such a filthy or unwholesome condition that the health of the inmates or of the neighbors is thereby affected or endangered, or that the lime-washing, cleansing, and purifying of any house or building, or any part thereof, would tend to prevent or check infectious or contagious disease, the said Board of Health may order the occupier or owner of such house, or part thereof, to lime-wash, cleanse and purify the same; and if the occupier or owner do not comply with such order, they, or either of them, shall be subject to the penalties of this By-law. Houses to be lime-washed when ordered

22. The said Board of Health, when they deem it necessary, may require the owner or occupant of every dwelling house or part of a dwelling house or building, to lime-wash and clean their respective portions of such house or building, and the privy connected therewith; and every owner or occupant as aforesaid neglecting or refusing to comply with such requisition, shall be subject to the penalties of this By-law. Lime-wash

23. Persons keeping swine or pigs shall, at all times, keep their styes and premises, wherein such pigs are kept, clean and wholesome; and any person failing so to do shall be subject to the penalties of this By-law. And any person erecting a sty or enclosure for pigs, or placing any manure or offal from the same against or within six feet from the dwelling of their nearest neighbor, shall be subject to the penalties of this By-law. Pig-sty, position, &c.

Not on front of street

24. No person shall keep any pig-sty on the front of any street, not being shut out from such street by a sufficiently close wall or fence, or shall keep any swine in or near any street, so as to be a nuisance.

Nuisance in houses &c., how removed

25. If on complaint upon oath of any credible person, or on view of any member of the Board of Health, the City Marshal, or any of the police constables, it shall be ascertained that any fish, meat, potatoes, cabbage, onions, turnips or any other substances in any cellar, warehouse, stable, outhouse or other premises, are decomposing and becoming a nuisance, or injurious to health, the same shall be ordered to be immediately removed without the city ; and if the owner or person in whose premises the same may be, shall neglect or refuse to remove the same when so ordered, the said Board of Health shall have the power at all reasonable times to remove such decomposing or injurious substances at the cost and charge of the owner or person aforesaid ; and such owner or other person in addition shall be liable to the penalties of this By-law.

Dead animals how disposed of

26. No person shall hide or keep any dead horse, neat cattle, pig, dog, poultry, or any other animal, in any house, stable, store, warehouse, or other building, or within any yard or other enclosure within the city, until the same shall become offensive or a nuisance ; and no person shall throw, put, deposit or place, or cause to be thrown, put, deposited or placed in the creek generally called the Governor's Pond, or elsewhere within the city's limits, any rubbish, dirt, filth, offal, garbage, or any rotten or offensive meat, fish, vegeables, or the carcase of any

dead animal, or any other rotten or offensive substance.

27. Any person or persons guilty of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate, a penalty not exceeding the sum of thirty dollars for each offence, exclusive of costs; and in default of payment thereof, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid. Penal clause

CAP. XVI.

A By-law for the more Effectual Prevention of Cruelty to Animals.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Cruelty to animals

1. That any person who shall cruelly beat, ill-treat, over-drive, over-ride, abuse or torture, or cause, or procure to be cruelly beaten, ill-treated, over-driven, over-ridden, abused or tortured, any animal, shall be guilty of an offence, and shall for every such offence be subject to the penalties of this By-law.

Cock-fighting, &c.

2. Every person who shall keep, or use, or act in the management of any place for the purpose of fighting, or baiting any bull, bear, dog, cock, or other kind of animal, whether of domestic or wild nature, or shall permit or suffer any place to be so used, shall be guilty of an offence ; and every person who shall receive money for the admission of any other person to any place kept or used for any of the purposes aforesaid, shall be deemed to be the keeper thereof, and be guilty of an offence ; and every person who shall in any manner encourage, aid, or assist at the fighting or baiting of any animal as aforesaid, shall be guilty of an offence, and such offenders shall severally be subject to the penalties of this By-law.

Meaning of word "animal"

3. The word "animal" shall be taken to mean any horse, mare, gelding, ass, mule, ox, cow, bull, heifer, steer, calf, sheep, lamb, swine, goat, dog, cat, or any other domestic animal.

4. When or so often as any offences against the provisions of this law shall be committed, it shall be lawful for any police constable or any of the city authorities, on his own view, or on complaint and information of any person, to order to be taken, or to take into custody any such offender forthwith, without any other warrant or authority than this law, and convey such offender before the City Police Court, or have security taken for their appearance in said Court, to be dealt with for such offence according to law. Power of arrest

5. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate, a penalty not exceeding thirty dollars for each offense, exclusive of costs; and in default of payment thereof it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid. Penal clause

CAP. XVII.

A By-law respecting Truckmen and Truckage

BE it enacted by the City Council of the City of Charlottetown, as follows :—

License

1. No person shall drive any truck, cart, sled or carriage, for the transportation of goods, wares, and merchandise, or other things whatsoever, within this city, for hire or wages, unless he shall be licensed as a truckman, under the penalties of this By-law; and no person shall be entitled to receive a license who shall not produce a written testimonial of his good character, with the names of the parties willing to be his sureties. Licenses to be granted on application to the Mayor or presiding Councillor.

Bond

2. On granting such license, the person obtaining the same shall execute a bond to the City of Charlottetown, himself, in the sum of sixty-five dollars, and two good securities in the sum of thirty-two dollars each, conditioned for his orderly driving and the security and safe conveyance of such articles as he may be required to transport, and also for the strict and due observance of this law.

Fee

3. The sum of three dollars and twenty-five cents shall be paid annually. No one license shall entitle any truckman to employ more than one horse, cart, truck or sled.

Rates

4. Every licensed truckman shall, on taking out his license be provided by the City with a printed copy of the law, and rates and prices of carriage now or hereafter to be established.

5. Every licensed truckman must be provided with a proper box-cart, sled and truck ; also with a good horse, mare or gelding, with good and sufficient harness, all subject to the approval of the Carriages and Trucks Committee, before a license is granted, and shall be always kept in good order and condition for trucking purposes. Equipment

6. Every licensed truckman shall have the number of his license painted in large and legible characters upon each side of his cart, truck or sled, on the square or after part of the shaft of such truck or cart and upon the curve of the runners of such sled. Number of License

7. The Carriages and Trucks Committee may appoint the stand for all persons so to be licensed, whereon all carts, trucks and sleds, when not employed must be placed and kept during working hours. Stands

8. If any licensed truckman, being unimployed, shall refuse or neglect to cart, truck, or employ his horse and cart, truck, or sled, within the city, for any person when requested, he shall be subject to the penalties of this By-law. At call

9. No person under the age of sixteen years shall be permitted to drive a truck, cart or sled for hire ; and the license holder of such truck, cart or sled, shall be answerable and accountable for the good conduct and behaviour of such driver as he may employ, and of the observance of all the regulations made, or to be made, relative to truckmen ; and any driver of such cart, or truck, or sled, who may be guilty of Age and conduct

drunkenness may be dismissed, and shall be subject to the penalties of this By-law ; and the license of such cart, truck, or sled may be suspended or forfeited, according to the nature of the offence of such driver.

Driving

10. No licensed truckman or driver shall drive his horse faster than a slow and easy trot in or through any part of the city.

Public duty

11. Any truckman who shall refuse or neglect immediately to obey any call for any public duty, to be made on him by the Mayor or any one of the City Councillors, City Marshal, or any of the police, or, on the occasion of a fire, by any officer of the Fire Department, shall be subject to the penalties of this By-law, and his license may be suspended. for such time as the Stipendiary Magistrate shall think proper.

Care

12. No truckman shall leave his horse and cart, truck or sled without a driver ; or shall feed his horse (except from a nose-bag) in any of the public streets, lanes or squares of the city.

Bell

13. Every licensed truckman shall have affixed to his harness for the purpose of drawing his sled or sleigh, at least one good and sufficient open bell.

Passing

14. When the driver of any cart, truck, or sled, attempts to pass another cart, truck or sled, or any carriage—having its head in the same direction ; such drivers shall take care to pass on the right side of such cart, truck, sled or carriage, so as to leave a sufficient way open on his left hand for the cart, truck, sled or carriage, which he is about to pass.

15. Whenever any cart, truck, or sled shall at any time stop whether loaded or unloaded, on any of the streets of the city, the same shall be placed at least two feet distant from the sidewalk or from any crossing. Distance from crossing

16. No owner, driver or other person having the care of any cart, truck, sled or vehicle, whether used for burden or for pleasure, shall stop or place such vehicle at or near the intersection of any street or lane, in such manner as to prevent any foot-passengers passing along the sidewalk, or into or from such street or lane, or to prevent any other cart, truck, sled or vehicle passing on such street or lane ; and any person causing such obstruction, refusing or neglecting to remove the same when requested by any foot-passenger or other person to do so, or who shall absent himself so that such request cannot be immediately made and complied with, shall be liable to the penalties of this By-law. How placed in streets

17. Truckmen on the wharves shall be under the supervision and direction of the wharfinger with respect to loading, unloading, driving or otherwise ; and any truckman who shall disobey the reasonable orders of the wharfinger, or shall cause any disturbance or damage thereon to any person or property, shall be liable to the penalties of this By-law, over and above the amount of any damage which may be done thereby. Wharves

18. No truckman or other person shall be permitted to load or unload any cart, truck or sled, with such cart, truck or sled standing across any street, lane, or sidewalk. Loading

Cruelty

19. If any truckman shall overload or treat his horse or horses with cruelty, he shall be subject to the penalties of this By-law.

Driving on wharves

20. No truckman or other person, on any pretence whatever, shall drive or ride any horse with or without a vehicle, beyond a walk, on any of the wharves within the city.

Rates

21. The following shall be the table of rates and prices of truckage payable to, or to be demanded by the licensed truckmen of the City of Charlottetown for their services. Subject however to be altered from time to time by resolution of the City Council; and if any truckman shall ask, demand or receive from any person any greater rates of fare than is allowed and prescribed by said table, or may hereafter be allowed and prescribed, he shall be subject to the penalties of this By-law.

RATES OF TRUCKAGE

From any of the wharves west of Prince Street to the south side of Sydney Street including the west side of Prince Street, the sum of 16 cents.

To the north side of Richmond Street, including the west side of Prince Street, the the sum of 18 cents.

To the north side of Kent Street, including the west side of West and the west side of Prince Street, the sum of 20 cents.

Beyond the north side of Kent Street to Government Pond, including the north side of

Euston and the west side of Prince Streets, the sum of 22 cents.

To the two Blocks comprised within the east side of Prince, the north side of Euston, the west side of Hillsborough, the north side of Kent Streets, the sum of 24 cents.

To the east side of Prince up to, and including the south side of Kent and the west side of Hillsborough Streets, down to the Shore, the sum of 18 cents.

To the east side of Hillsborough Street up to, and including the south side of King Square and west side of Weymouth Street, down to the Shore, the sum of 22 cents.

And to all the eastern part of the city comprised in and including the east side of Weymouth Street north of King Square, the east side of Hillsborough and north side of Euston Streets, extending to that part of the city called the Common, the sum of 24 cents.

Articles under a full load, through any part of the city, wood and grain per agreement.

LOADS

22. The following articles shall be deemed as comprising a load :—

One Puncheon of Molasses,
One Hogshead of Sugar,
One Puncheon of Rum,
One Pipe of Wine, Brandy, or Gin,
One Cask of Leaf Tobacco,

Five Barrels of Pitch, Tar, Rosin, Beef or Pickled Fish,

Six Barrels of Lime, Flour, or Potatoes,

Seven Barrels Bread, bottled Porter or Ale,

Twelve bushels of Sand,

One third of a thousand of Bricks.

Thirteen or fourteen hundred weight of Coal.

Furniture and other articles not mentioned in proportion to the above scale.

Penal Clause

23. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court, of the Stipendiary Magistrate on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate, a penalty not exceeding Twenty Dollars for each offence exclusive of costs; and in default of payment thereof, it shall and may be lawful for the said Magistrate to commit the offender or offenders to he common jail of the said city for any period not exceeding twenty days, until the said penalty and costs be sooner paid.

CAP. XVIII.

A By-law relating to Lamps.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

1. That whosoever shall wilfully, maliciously, carelessly or wantonly break, throw down, extinguish or otherwise injure any of the city gas or electric light lamps or globes, or the posts, irons, or other fixture, to the same belonging, shall be subject to the penalties of this By-law ; and all penalties inflicted under this Act shall go, the one moiety thereof to the use of the city funds, and the other moiety thereof to the person who shall prosecute for the same ; and any person or persons committing the same depredations on lamps and posts, being the property of private persons, or lamps and posts put up at their expense, shall be subject to the penalties of this Act. Injury to

2. Any person or persons guilty of an infraction of any of the provisions of this By-law, shall, upon conviction in the City Police Court, of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate, a penalty not exceeding Twenty Dollars for each offence, exclusive of costs ; and in default of payment thereof, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid. Penal clause

CAP. XIX.

A By-law to regulate and compel the removal of Snow and Ice from off the Sidewalks.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Removal of snow

1. Every tenant or occupant of any building or lot of land,—and in the case there is no occupant, or tenant,—then the owner or the agent of the owner, or any person having the care of any such building or lot of land bordering on any street, lane, square, or public wharf within the City of Charlottetown and Common thereof, where there is any footway or sidewalk, shall, after the ceasing to fall of any snow,—if in the day-time, four hours after ; and if in the night, before ten o'clock of the forenoon succeeding ; cause such snow to be removed from such footway or sidewalk, so far as such building or lot of land extends along such street, lane, square or public wharf, under a penalty of two dollars for every neglect, and the further sum of one dollar each day for every day such snow shall not be removed. The provisions of this section shall also apply to the falling of snow from any building.

Ice

2. Whenever the footway or sidewalk, or any part thereof adjoining any building or lot of land along any street, lane or square, shall be encumbered with ice, it shall be the duty of the tenant or occupant—and in case there be no tenant or occupant—then the owner or person having the care of such building or lot of land

to cause such footway or sidewalk to be made safe by removing the ice, or by covering the same with ashes, sand, or other suitable substance. And in case such owner, tenant, occupant, or caretaker shall neglect so to do for the space of two hours during the daytime, he shall forfeit and pay the sum of two dollars for every neglect, and a like sum of two dollars for every day such neglect shall be continued.

Disposal of snow and ice

3. Every person who shall remove snow or ice from off their premises and place the same on any of the streets, squares, or public wharves in the City of Charlottetown and Common, shall cause the same to be broken up in small pieces and levelled down and evenly spread on such street, square, lane or wharf to the satisfaction of the City Surveyor or any police officer of the city, and any person depositing or causing to be deposited any snow or ice on the ice formed on the Harbor of Charlottetown, shall not deposit the same within a distance of twelve hundred feet from any shore line of said Harbor and also in no case within a distance of two hundred feet from any bushed road or travelled track on the ice of the said Harbor. Any person contravening the provision of this section shall be liable to a penalty of two dollars for each offence.

Officials to report infractions of law

4. It shall be the duty of any police officer or any permanent employee of the Street Department of the city to report to the City Surveyor any infraction of this By-law that may come under their notice or be known to them, as soon as possible after such knowledge is possessed by them. The City Surveyor shall take

such action as he may deem advisable to carry out the intention of this By-law.

Penal Clause

5. Any person or persons guilty of an infraction of any of the provisions of this By-law shall for each and every offence, upon summary conviction thereof before the Stipendiary Magistrate of the City of Charlottetown, forfeit and pay such penalty, together with costs forthwith as is provided in this By-law, and in default of payment thereof it shall and may be lawful for the said Magistrate to commit the offenders to the common jail of Queen's County for any period not exceeding ten days, unless the said penalty and costs be sooner paid.

CAP. XX.

A By-law Regulating the Weight of Butter.

BE it enacted by the City Council of the City of Charlottetown, as follows :

1. From and after the passing of this By-lay, all Butter made up for sale, or offered or exposed for sale within the City of Charlottetown, either in the Public Market, or in any store, shop or other place, unless put up in packages or in rolls of greater weight than one pound each, shall be in prints or rolls of one pound, one half pound, or one quarter of a pound each. Weights

2. The City Marshal, or any of the police officers, or the clerk of the Market, or any person or persons deputed by him, may at any time order any Butter exposed for sale in quantities representing to be one pound, one half pound, or one quarter of a pound, to be weighed ; and if such quantities be of less weight than represented by the vendors or persons exposing or offering the same for sale, such Butter shall forthwith be seized and forfeited, and the offender shall be subject to the penalties of this By-law. May be ordered to be weighed

3. Any person coming to the City Market may cause the Market Clerk, or his deputies, to weigh all the Butter intended by him to be exposed or offered for sale, and if the several prints or rolls so weighed shall be of less weights than hereinbefore respectively provided for, the said Market Clerk, or his deputies, may Weighed at request of vendor

order the weights respectively so defective, to be completed by the vendor before being offered or exposed for sale; and in case of such prints or rolls being correct in weight, the vendor may require that said Clerk furnish him with a certificate or label of such correctness.

Short weight

4. Any person knowing, or having reason to believe that the Butter offered or exposed for sale within the city, in prints or rolls, and of less respective weights than hereinbefore provided for, may require the Market Clerk, or his deputies, to have the same weighed; and if found defective, the party exposing the same for sale, shall be liable to the penalties of this By-law.

Penal clause

5. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate, a penalty not exceeding the sum of Five dollars for each offence, exclusive of costs; and in default of payment thereof it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city, for any period not exceeding ten days, unless the said penalty and costs be sooner paid.

CAP. XXI.

A By-law Relating to Dogs, and the Taxing thereof.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

How registered

1. The owner or keeper of any dog or bitch within the City of Charlottetown shall report in writing to the City Clerk, at his office in the said city, the name of such dog or bitch, in order that the same may be registered in a book to be kept for that purpose ; and hereafter whenever a person may become owner or keeper of any dog or bitch within the said city, he shall report the fact in writing, as hereinbefore directed, in order to have the name of the owner or keeper and the name of the dog or bitch registered.

Tax, when to be paid

2. A tax of one dollar shall be annually paid for each dog or bitch within the said city by the owner or keeper thereof to the City Collector at the office of the City Clerk, on or before the first day of July in each year ; and upon the owner or keeper neglecting or refusing to pay the tax herein imposed, he shall be prosecuted for the same ; and it shall be recovered in a summary way, with costs, in the City Police Court of the Stipendiary Magistrate, and on non-payment thereof, the party convicted shall be confined in the common jail of the said city for ten days.

Collar

3. The owner or keeper of a dog or bitch who has paid such tax, shall affix thereon a

collar, with the name of the owner or keeper, and the registered number.

Bull dog or bitch

4. The owner or keeper of a bulldog or bitch shall not permit him or her to go at large unless sufficiently muzzled to prevent his or her biting or doing mischief.

Fierce dog to chained

5. Every fierce, malicious, or dangerous dog or bitch shall be kept muzzled and chained by the owner or keeper, and not permitted to go at large.

Bitch

6. No owner or keeper of a bitch shall suffer such bitch to run at large during the season of her being in heat.

Dogs to be destroyed in certain cases

7. If any dog or bitch shall, unprovoked, bite any person, on complaint at the City Police Court of the Stipendiary Magistrate, on oath, the owner or keeper shall forthwith destroy the dog or bitch, and in default of his so doing, he shall be liable to the penalties of this By-law.

Cruelty to dogs

8. No person shall wantonly or maliciously throw any stone, stick, or any other hard substance at any dog or bitch, and lame or wound the dog or bitch.

Presumptive owner

9. Any person in possession of any dog or bitch, or who shall suffer such dog or bitch to remain about his house or premises, shall be deemed the owner of such dog or bitch for all the purposes of this By law.

Collar

10. No dog or bitch shall be permitted to run at large in the said city without the collar mentioned in the third section of this By-law ;

and any dog or bitch running at large contrary to this By-law, may be forthwith destroyed by the police.

11. All prosecutions under this By-law shall be in the name of the City of Charlottdtown, and any person guilty of an infraction of any of the provisions thereof, shall, upon conviction in in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate, a penalty not exceeding ten dollars for each offence, exclusive of costs and in default of payment thereof, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of of the said city for any period not exceeding ten days, unless the said penalty and costs be sooner paid. Penal Clause

12. All By-laws contrary to and inconsistent with this By-law, are hereby repealed. Repeal

CAP. XXII.

A By-law relating to Coal, Culm, Coke, and to Coal Meters and Weighers.

BE it enacted by the City Council of the City of Charlottetown as follows :—

To be sold by weight

1. All coal, culm, and coke, which shall be sold from or out of any vessel, lighter or other craft, in the port of Charlottetown, or from any wharf, warehouse, manufactory, yard, or other place within the city shall be sold by weight and not by measure; and any person transgressing this clause shall be subject to the penalties of this By-law.

Licensed Coal Meter and Weigher

2. The City Council shall, from time to time, license one or more fit and proper person or persons residing in this city—who may be styled Coal Meters and Weighers—for the period of one year from the date of each license, whose duty it shall be to weigh all such coal as shall be imported, and all culm and coke which may be imported into or manufactured and sold in the said city and port, with any and all other articles as shall be required of them to be weighed ; and the duty to be paid for such license shall be sixteen dollars yearly ; and any person obtaining such license, who shall refuse or wilfully neglect to perform the duties pertaining to his office, without just cause, shall be subject to the penalties of this By-law.

3. Every person who shall be licensed as such Coal Meter and Weigher, before he be permitted to act as such, shall take and subscribe

the following oath before the Mayor or presiding Councillor:

I, A. B., do swear that I will faithfully and without fear or partiality execute and perform the duties of Coal Meter and Weigher for the port and City of Charlottetown while I hold the same, in pursuance of a Law of the City Council, in such case made and provided, and according to the best of my skill and ability. So help me God. Oath

Sworn before me at the City of Charlottetown the day of 19

Mayor (or)
Presiding Councillor.

And any person who shall neglect or refuse to be sworn, or who shall act as such Coal Meter and Weigher without being so sworn, shall be subject to the penalties of this By-law.

4. Each person before being considered eligible to be licensed as a Coal Meter and Weigher (except the Coal Meter and Weigher in whose charge the city scales and weights or weighing machine may be placed,) must be the owner of or be provided with one or more proper machines or scales and weights for for weighing coal and other articles, and keep the same near the wharves, or at some convenient place in the city; and it shall be the duty of each Coal Meter and Weigher at all times during the period of his license, to keep the said scales and weights or weighing machine in proper order and condition to perform the duties which may be required of him. To be provided with scales

How removed

5. It shall be lawful for the City Council, from time to time, to remove or displace any Coal Meter and Weigher for any fraud or neglect of duty of which he may be convicted in the City Police Court of the Stipendiary Magistrate.

Duties

6. The person or persons into whose charge the City Council may commit any weighing machine, shall take and subscribe to the oath aforesaid, and during his continuance in office it shall be his duty to keep the said weighing machine at all times in proper order and safety; to weigh all coal, culm, coke, limestone, hay, straw and such other articles as may be offered to be weighed at such weighing machine; to keep a strict and correct account of all the business done by him with said weighing machine, which account shall be always open to the inspection of the Mayor and City Council; and the fees collected for the use of said weighing machine shall be paid into the city treasury weekly by the City Coal Meter and Weigher to and for city purposes; and the said City Coal Meter and Weigher shall receive such salary as the City Council may decide, and shall hold the said situation during the pleasure of the City Council.

Delivery of ticket by vendor

7. With any quantity of coal, culm or coke, which shall be delivered from any vessel, lighter, or other craft in the port aforesaid, or from any wharf, warehouse, manufactory, yard, or other place within the city, the seller thereof shall deliver, or cause to be delivered to the purchaser thereof, on the delivery of such coal, culm or coke, a paper or ticket containing the name of the seller or buyer, and of the truckman or other

person into whose charge the same may be delivered, together with the weight of the coal, culm, or coke contained in each cart, sled or other vehicle; and in case any such seller do not deliver, or cause to be delivered, such ticket as aforesaid to the purchaser of such coal, culm or coke, before any part of such coal, culm or coke is unloaded, every such seller, for every such offence, shall be subject to the penalties of this By-law; and in case the truckman or other person attending such cart, sled, or other vehicle, with any such coal, culm, or coke, to whom any such ticket shall have been given by or by orders of the seller, for the purpose of being delivered to the purchaser thereof, shall refuse or neglect to deliver such ticket to the purchaser or person receiving the same, before any part of such coal, culm, or coke shall be unloaded, such truckman or other person so offending shall, for every such offence, be subject to the penalties of this By-law.

Ticket to express exact quantity

8. If in any case where coal, culm, or coke, shall be delivered to the purchaser or purchasers thereof, a less quantity shall be delivered than shall be expressed in the ticket accompanying the same, the seller or vendor thereof, or the person delivering the same, shall, for every such offence, be subject to the penalties of this By-law.

Scale of fees

9. Every Coal Meter and Weigher, licensed as aforesaid, and who shall have complied with the provisions of this law relative to the oath and possession of the requisite scales and weights, or weighing machines, as prescribed, shall demand and receive for his own use the following fees :

For weighing every ton of coal, culm, coke, limestone, gypsum or heavy merchandize, the sum of..... 7 cts.

And in proportion for a lesser quantity.

For weighing every load of hay, straw or fodder, not over half a ton, the sum of 11 cts.

For weighing every such load when exceeding half a ton, the sum of..... 14 cts.

Including the weighing of the carts, trucks, sleds, or other vehicles containing such loads.

For weighing every new or unloaded cart, truck, sled, or other vehicle, the sum of..... 4 cts.

City Scales to charge the same fees

10. The person in charge of any city weighing machine, for weighing the like articles and things as specified in the tenth section of this law, shall demand and receive for city purposes the like fees as prescribed in the said tenth section.

Penalty on refusal to pay fees

11. If any person liable to pay any sum for weighing coal, culm or coke, or other articles hereunder, shall, on demand, refuse or neglect to pay the same, such person shall forfeit the sum of two dollars in addition to the amount due by such person for such weighing, and the Coal Meter and Weigher applying for the same is hereby authorized in his own name as such Coal Meter and Weigher, to sue for and recover such fine and amount due for weighing, before the said Magistrate in the said City Police Court.

12. The persons dealing in coal, culm, or coke, and vending the same from any warehouse, manufactory or yard, or other place within the city, shall provide themselves with such scales and weights and weighing machines as may be adjusted according to law, and said dealers in and retailers of coal, culm or coke, shall be obliged to weigh the same upon being required to do so either by the person purchasing the same or by any police constable; and any such dealer in coal, culm or coke, failing to have and keep such weights and scales or weighing machines, or refusing to weigh the coal, culm or coke, as aforesaid, shall be subject to the penalties of this By law. Vendors to provide themselves with proper scales

13. Every load of articles besides coal, culm or coke—already provided for—which may be weighed by any of the licensed coal meters and weighers, or by any city coal meter or weigher, shall be accompanied by a ticket as aforesaid; and the person selling such articles, or requesting the same to be weighed, shall be liable to pay for the weighing thereof; and the parties selling such articles and the truckman receiving such tickets shall be subject to the regulations and penalties prescribed in section eight of this By-law; and any person selling or delivering a less quantity of such articles than the accompanying ticket specifies, or any person being guilty of altering any ticket so accompanying, shall be subject to the penalties of this By-law.

14. Nothing herein contained shall prevent the City Council from leasing the city weighing machines to such person or persons as they may approve, and at such annual rent as they may from time to time decide upon; and in the event Power of city to lease Scales

of any weighing machine being leased as aforesaid, the person who may obtain the same shall be required to take and subscribe the Coal Meter and Weigher's oath, and be subject to the other provisions of this By-law.

Penal clause

15. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate, a penalty not exceeding twenty dollars for each offense, exclusive of costs; and in default of payment thereof, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid.

CAP. XXIII.

A By-law relating to Highways, Streets, Squares and Bridges and defining the duties of the Surveyor.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

1. There shall be one fit and proper person appointed by the City Council who shall be the Surveyor of Highways, Streets, Squares and Bridges of said city, who shall be sworn and give security for the due and faithful performance of the duties of his said office. Said Surveyor shall receive such salary or compensation as the City Council shall hereafter determine upon, and said Surveyor shall retain his office during the pleasure of the City Council. Appointment of Surveyor

2. The said Surveyor may remove all incumbrances upon the streets, prevent encroachments thereon, make repairs, alterations and improvements therein as required ; open and make new streets when authorized ; make and repair bridges, wharves, and other city property, and cause to be observed the laws touching the streets, bridges, wharves, and other city property, and the work to be performed thereon ; may put up bars and fences to shut the street while undergoing repairs ; may raise sinks, alter or new-lay drains, water-courses, pipes and sewers, causing as little detriment to individuals as the case may admit of, and may cause the course of gutters, water-courses and channels running in or through the streets to Duties

be altered ; he shall have charge of and make all necessary arrangements for cleaning the streets, disposing of manure, and removing house dirt and offal therefrom ; he shall keep accounts and records of all his proceedings, and shall furnish accounts, properly vouched, whenever required to do so by the City Council ; he shall for the information of the City Council, keep a register of all encroachments in the city, whether by drains, side-paths, buildings or otherwise, and shall also keep a register of all plans and full statements of sewers, drains, and slips, with record of all survey of new or unfinished drains or roads ; and it shall also be his duty to see that persons shall keep the gutters and streets before houses, buildings, or tenements occupied by them free from dirt, filth, and nuisance of every kind ; and he shall be at all times under the direction of the City Council.

Certificate of Surveyor required for the erection of certain buildings, etc.

3. No person shall be allowed to build a wall, put up a fence, or porch, or erect a building of any kind facing upon the streets of the city, without first having applied to the Surveyor aforesaid, who shall give the applicant a written certificate so to do, which shall be endorsed by the Mayor, stating that he (the surveyor) has in conformity with the city regulations, laid off said building site, and granted permission to put up such building, wall or fence (as the case may be) in compliance with the survey which shall describe the line or boundaries of the street or streets thereof ; and for such certificate the Surveyor shall be entitled to receive the sum of fifty cents, the same to be paid into the hands of the clerk of the city by said Surveyor for city purposes. Any person guilty of a breach

of this section, shall be liable to the penalties of this By-law.

Survey

4. Until there shall be a survey and plan of the streets of the city established by law, it shall be the duty of said Surveyor, before granting a certificate, to be guided by the following regulations, viz: He shall not allow or grant permission for the erection of any house, porch, fence, wall, steps, or other erection facing upon the streets of the city to project outside of the line of houses already built, or outside of the nearest houses adjoining, right and left, as the case may be, or in and upon what has been heretofore considered and used as the street; if the Surveyor shall be in doubt as to the true line of street, he shall be guided by the plan of the streets made by the late Surveyor-General, George Wright, and kept in the office of the Keeper of Plans, which plan shall be considered as giving the correct line for all city purposes, until the same shall be altered and a new one substituted.

Platforms

5. No person shall be allowed to build platforms of any kind on the sidewalks of the city without having first obtained permission of the Surveyor aforesaid, who shall grant the same under the following regulations, viz: In all streets of the width of eighty or more feet, the platform of wood or other material shall be twelve or fourteen feet in breadth; in all streets between eighty and sixty feet the platform shall be ten feet in breadth; and in all other streets eight feet shall be the breadth. If of wood, of good sound wood of not less than three inches; and all platforms shall be on a level with the

street or sidewalk at the place where they may commence and end.

Repairing platforms

6. It shall be the duty of said Surveyor to cause to be removed any platform of wood or other material which may not be laid down on a level with the street or sidewalk, and in conformity to the foregoing dimensions, as well as to remove or repair any unsafe sidewalk which the owner thereof shall refuse to make good, after having been notified by said Surveyor so to do, and the cost thereof shall be paid by the owner whose property may front thereon, who on non-compliance therewith, shall be liable to the penalties of this By-law, and also for the expense incurred in removing or making good such platform or sidewalk.

Cellar-hatch

7. No person shall build any cellar hatch or hatches on the streets or sidewalks ; and every person offending against this section shall be subject to the penalties of this By-law ; and it shall be the duty of the said Surveyor to prosecute as above, daily, the party maintaining the obstruction.

8. The occupants and owners of houses and shops now having cellar hatches, shall render themselves liable to the penalties of this By-law on failing to comply strictly with the following

REGULATIONS :

Not to be left open

First.—No cellar-hatch shall be opened or left open except a reasonable time for the purpose of receiving into or discharging from the cellar casks, packages, fuel, refuse or cleanings.

Second.—Every cellar-hatch, when closed, shall be even with the sidewalks, so as not to cause any projection to act as a stumbling block or annoyance to foot passengers. To be even with street

Third.—Any occupant of a shop or house being guilty of a breach of the first regulation, and any owner of the property being guilty of a breach of the second regulation, shall severally be liable to the penalties of this By-law. Penalty

9. Occupants of houses in the city shall be allowed the privilege of erecting porches upon the streets, and banking their houses, during the time between the first day of November and the first day of May in each year: Provided such porch or banking does not obtrude more than one foot six inches from the wall or the building. No porch or banking shall be allowed to remain after or before the time above named; any person refusing to remove such banking or porch after the time shall have transpired, on notice being given to remove the same, shall render themselves liable to the penalties of this By-law. Banking

10. The Surveyor aforesaid is hereby authorized to cause to be removed any porch, wall, fence, or obstruction of any kind which may obtrude upon or from any house beyond the line of houses in any street of the city: Provided always that before removing the same it shall be his duty to furnish the owner or owners thereof with a written notice, requesting him, her, or them, to remove such nuisance or obstruction within four days after the service of such notice. The said Surveyor shall remove the same to some safe and convenient place in the city, to be disposed of as the City Council Power of City Surveyor to remove obstructions; Notice

shall direct ; and any person or persons offering resistance thereto, shall render himself or themselves liable to the penalties of this By-law.

Appeal

11. Any person conceiving himself aggrieved on notice being furnished by said Surveyor to remove any alleged street obstruction, shall have the right of appealing to the said Magistrate, that he may be heard before him, and if he deem it expedient, he shall repair to the place where such alleged obstruction may lie, and his decision thereon shall be final, and made known to said Surveyor, who shall act in accordance therewith ; provided that such written notice or application to the said Magistrate for a hearing shall have been made within forty-eight hours after the complainant thereto had been served with the notice from said Surveyor to remove such obstruction.

Proviso in case of house building

12. Provided always, that nothing contained in this law relating to obstructions on the streets or public thoroughfares of the city shall extend or be construed to extend to prevent any person or persons who may be erecting or repairing any building whatever from placing or causing to be placed on the street or streets, next to the site of such building, and immediately in front of the same, any such materials as are to be used either in the construction or in the repairing of such building, so that the same do not extend farther than the gutter or run for water, or not in any case more than ten feet on the side of the street where such building is being erected or repaired. The said space shall be enclosed by a substantial close fence of not less than five feet high ; and the materials aforesaid shall in no manner

obstruct the free course of the water in the proper gutters of the said street or streets ; and if on complaint thereof it shall appear that such enclosure is kept up for an unreasonable time, the Magistrate shall have the power to cause the same to be removed.

Inclosed to be fenced in

13. In all cases when unclosed lots or parts of lots within the city are deemed dangerous to passengers along the streets, lanes and thoroughfares thereof, the Mayor or City Council may through the Surveyor order the owner, occupant or agent thereof, to secure the same from being dangerous, offensive, or otherwise, with a good and sufficient wall or board fence of not less than four and one-half feet high, strong and neatly erected and to keep the same so erected ; and any owner, occupier or agent, neglecting or refusing to erect such fence, after notice having been given to erect the same shall be subject to the penalties of this By-law ; and the Mayor or said Council shall order such fence to be erected at the cost of such owner occupier, or agent, who shall be sued for the same in the City Court of the said City.

Soil in streets not to be removed

14. Any person who shall attempt to remove, displace, or subvert the soil of the streets, lanes, thoroughfares, or squares of the city shall be subject to the penalties of this By-law.

Gutters to be kept clean

15. The gutters and sidewalks in front or rear of houses, buildings, or occupied tenements, shall be kept clear of dirt, filth, and nuisance of every kind, by the person owning or occupying the same ; and the owner or other person residing nearest to where any filth, nuisance, or obstruction may have been deposited, who shall

suffer the same to remain for the space of twelve hours between sunrise and sun set, shall be subject to the penalties of this By-law for every twelve hours he, she, or they, shall suffer such nuisance to continue ; and every person who shall put or place nuisance of any kind on any of the streets or squares, shall be subject to the fine and penalty specified in the nuisance By-law, besides the costs of the Surveyor moving or having such nuisance removed.

Passage for water

16. The owner or occupier of every house, out-house, or other building, shall cut, or cause to be cut and kept open, a sufficient passage for the water produced by the melting of snow or ice, to run off in the gutter or drain, in front or rear of such premises ; and in case of neglect or refusal to do so, after being required by the Surveyor or any of the city authorities, shall be subject to the penalties of this By-law ; and the Surveyor shall have such passage cut and kept open for the purpose aforesaid, at the cost of the person so neglecting or refusing.

Snow

17. Every person throwing ice or snow upon any street or square, shall cause the same to be broken up into small pieces and spread evenly on the surface of such street or square, to the satisfaction of the surveyor, or other person appointed by the City Council ; provided always that such ice or snow shall only be deposited in such places as shall be appointed by the said Surveyor, acting under the authority of the Mayor or presiding Councillor ; and any person contravening the provisions of this section, shall be subject to the penalties of this By-law

18. The City Council may appoint one or more persons as public scavengers, who, under the direction and supervision of the Surveyor, shall gather all manure, filth or surplus soil of any kind on the streets, squares, or thoroughfares, and deposit the same in such place or places as may be directed or appointed ; and said manure or surplus soil shall be sold to the highest bidder, aud the proceeds arising therefrom shall compose part of the city funds

Scavengers

19. The Surveyor and police constables shall prevent persons placing vessels, boats, timber, scantling or other articles, in the continuation of the streets which form public openings to the rivers, without license ; and any person guilty of placing any such nuisance or impediment in said openings, shall subject themselves to the penalties of this By-law.

Incumbrance of water front

20. Any person or persons guilty of an infraction of any of the provisions of this By-law, shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate a penalty not exceeding the sum of thirty dollars for each offence, exclusive of costs ; and in default of payment thereof, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid.

Penal Clause

CAP. XXIV.

A By-law relating to the City Wharfs.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Appointment of Wharfinger

1. A Wharfinger shall be appointed by the City Council who shall be sworn and give security for the due and faithful performance of the duties of such office as hereinafter specified, and shall receive such salary, or percentage by way of salary as the City Council may determine ; and the said Wharfinger shall be at all times under the direction and control of the City Council, and retain such office during pleasure of the City Council.

Duties of Wharfinger

2. The Wharfinger shall cause the city wharfs to be kept in due preservation and repair ; take care that neither of them is encumbered with articles or things of any kind, to the prevention of vessels loading or discharging thereat, or of ordinary business being performed thereon ; prevent their encumbrance with any shed or any building of any description, and cause any such erections now thereon to be moved away ; prohibit any quantity or quantities of weighty articles being laid or to remain on any of the blocks or bridges of said wharfs to the injury of the same ; collect the wharfage of vessels lying, discharging, or loading thereat, and wharfage on imports and exports ; prevent damage to said wharfs, and to cause the person or parties causing any damage to be prosecuted for such damage as may be directed ; and said

Wharfinger shall produce his accounts, duly attested to, quarterly, or oftener if required by the City Council, and shall do and perform all and every of such duties of Wharfinger, subject at all times to the direction and control of the City Council.

Vessels how moved

3. Any vessel lying at either wharf, not for the purpose of loading or unloading, or any vessel which may be loading or unloading, and which shall or may be in a condition to be moved to any other part of the wharf equally safe and suitable,—though with less draught of water—shall be so moved by order of the Wharfinger, when he is requested, or when in his opinion the berth shall be required by some other vessel desiring to deliver or receive His Majesty's mails, or to load, discharge or careen thereat ; and on the failure or refusal of any master, owner, or other person as aforesaid, to move such vessel to any other part of the wharf, or from the wharf to the outside of any other vessel, within reasonable time after notice so to do, such master or other person shall be subject to the penalties of this By-law, over and above the cost of moving such vessel.

Removal of goods on wharf

4. If either of said wharfs shall at any time be so encumbered with lumber, coal, bricks, ballast, or any other species of goods, merchandise, or material, so as to incommode or obstruct the passing or repassing of any trucks or carriages employed for the purpose of loading or unloading any vessel, the Wharfinger shall warn the owner or agent thereof (either personally or by notice in writing left at the place of residence of such owner or agent) requiring him or them to move the same from thence within a

reasonable time, and if the same shall not be moved accordingly, the party offending shall be subject to the penalties of this By-law ; and the Wharfinger is hereby authorized to cause the same to be moved, and keep them in custody until the fine, wharfage, costs, and other expenses in moving the same shall be paid by the owner, agent or claimant of such articles ; and in case the owner or agent is not to be found, the Wharfinger may and shall at his discretion move said goods, and have them advertised and sold to pay the wharfage and other expenses thereof.

Vessels obstructing ferry boats

5. The Wharfinger shall have full power and authority to cause to be moved any vessel, or the moorings, furniture, or materials of any vessel, and any lighter, barque, boat, flat, raft, spar, timber, or any article or material whatever which may obstruct the free passage of the public ferry boats in approaching to or departing from the slips belonging to the said wharfs, or any article or impediment which may obstruct persons in ascending or decending said slips ; and in case of neglect or refusal to remove any such vessel, moorings, boats or obstruction after due notice to the master, owner, or person in charge of such vessel, boat, or obstruction as aforesaid, he or they shall be subject to the penalties of this By-law, over and above the cost of moving such obstruction. The Wharfinger is also to see that the ferryman does his duty, and if he fails in doing so, the said Wharfinger shall report the same to the Mayor or presiding Councillor.

6. In case of any dispute between the masters or owners of vessels, as to the right of one

vessel lying outside of any other vessel for the purpose of loading or discharging at either of the said wharfs, while such last mentioned vessel shall be lying at either of the said wharfs, the same shall be decided and determined by the said Wharfinger, and the master or owner of any vessel refusing to comply with the order of the Wharfinger in this respect, or who, after request made, shall refuse to allow any goods, merchandise or passengers to be conveyed across his vessel from any such outside vessel, or shall refuse to allow any stage to be erected for that purpose, so far and in such manner as the said Wharfinger shall deem necessary, shall be liable to the penalties of this By-law, besides being liable to the costs of having his vessel moved from said wharf at the discretion of the said Wharfinger.

Rules as to vessels lying at wharf

7. The person in charge of any vessel lying at either of said wharfs, when directed by the wharfinger so to do, shall cause the jib-boom, spirit-sale yards, martingale, and main boom of said vessel, or either of them, to be struck or taken on board of said vessel, or any of the yards thereof to be braced.

Vessels to be stripped in certain cases

8. If any person or persons shall drive any horse, mare or gelding, or other beast of burden, in any carriage, coach, wagon, truck, cart, sled, sleigh, or other vehicle for the transportation of persons or goods, or either of them, or shall ride any such beast on or over either of said wharfs at a greater speed than a walk, such person or persons shall be subject to the penalties of this By-law.

Horses not to travel on wharfs at greater speed than a walk

9. No truckman or other person shall load

Trucks, etc., not to stand across the wharf

any truck, cart, wagon, sleigh or other vehicle from the wharf, or discharge any loads thereon with such truck, cart, or other vehicle standing across the wharf, unless by permission of the Wharfinger.

Obstructions and nuisance on the wharfs

10. The Wharfinger is hereby empowered to cause all obstructions which may be placed on either side of said wharfs in a line with Queen Street and Pownal Street respectively, to be moved at the expense of the party or parties causing such obstruction; and to make and enforce such regulations as shall be necessary to prevent ballast or other materials from falling or being thrown in the water near the said wharfs when being loaded on board or discharged from any vessel; and to prevent to the utmost of his power, the master or owner of any vessel, lighter, or boat, or any other person, from throwing or unloading any stones, gravel ballast, oyster shells, rubbish, or other things that will not float in the water, within the limits aforesaid.

Injury to wharf

11. If the owner, master, or person in charge of any vessel, shall wilfully allow such vessel to injure either of the said wharfs, such person shall be subject to the penalties of this By-law, above the damages thereby done to the said wharf.

Fires on wharf

12. No person on any pretence whatever, shall kindle a fire on either of the said wharfs, except by the consent oi the Wharfinger; and any person violating this section, shall be subject to the penalties of this By-law, besides being liable for all damage done thereby.

13. Every master of any vessel coming into the said port, or the pilot in charge thereof, shall from time to time conform strictly to all directions which shall be given to him by the Wharfinger touching the mooring, unmooring, placing or moving of any vessel under his charge as long as such vessel shall be lying and situate within the limits of the authority of said Wharfinger. Mooring vessels

14. If any person shall by force or violence assault, resist, molest, hinder or obstruct said Wharfinger, or other person employed as aforesaid, in the exercise of his or their respective office or offices, or any of the powers of this law conferred upon him or them, or any person acting in his or their assistance, such offending party shall be subject to the penalties of this By-law. Obstructing Wharfinger

15. The rates of wharfage now, or which may from time to time hereafter be levied on all vessels, merchandise or produce, as hereinafter specified, and all fines, penalties, damages, or other sums imposed by this law not otherwise provided for, when demanded by the Wharfinger, or by any other person duly authorized to demand the same of and from the persons liable to pay the same, shall be paid forthwith, and if the same shall be by them refused or neglected to be paid, such sum or sums to be recovered by the Wharfinger in the Supreme Court when the amount claimed exceeds the jurisdiction of the City Court; and when the amount sought for shall not exceed such amount, then the same to be recovered on the oath of the said Wharfinger, or other credible witness, in the City Court. Payment of rates

Deputies & assistants

16. It shall and may be lawful under the sanction of the City Council, for the Wharfinger from time to time to depute so many deputies or assistants as he may deem requisite under him, to perform all or any of the duties imposed on him by this law ; and each of such deputies, while acting under any such appointments, shall be vested with all the powers, authority and discretion conferred and allowed by this law on and that may be exercised by the said Wharfinger for performing the services he may require of them ; and he shall be responsible, in all respects whatsoever, for the acts and conduct of such of his deputies and assistants so far as they may be employed by him, and he alone shall be liable to compensate and pay them for their services.

Rates to be paid by vessels and boats

17. The Wharfinger shall and may ask, demand, take and receive of and from the owners, part owners, masters, or other persons having charge of all vessels lying fast to either of said wharfs such rate per day as wharfage as is hereinafter specified, or as the City Council may from time to time direct and appoint ; such vessel, however, as may lay fastened to the outside of vessels which are fastened to said wharfs, or which may be careening, or repairing, or lying fastened outside of other vessels fastened to said wharfs, shall be subject to pay one half said wharfage, and no vessel shall be subject to pay wharfage so long as the navigation shall remained closed by ice, except when using either of said wharfs for the purpose of undergoing repairs.

WHARFAGE OF VESSELS

Boats under 24 feet in length.....free

Boats belonging to licensed ferrymen..free

Vessels.							Per day
Lighter							$ .10
Of 10	tons	and	under	20	tons	....	.15
20	"	"	"	30	"	....	.25
30	"	"	"	40	"	....	.30
40	"	"	"	60	"	....	.35
60	"	"	"	80	"	....	.40
80	"	"	"	100	"	....	.45
100	"	"	"	130	"	....	.50
130	"	"	"	150	"	....	.55
150	"	"	"	180	"	....	.60
180	"	"	"	220	"	....	.65
220	"	"	"	280	"	....	.70
280	"	"	"	350	"	....	.80
350	"	"	"	450	"	....	1.00
450	"	"	"	550	"	....	1.15
550	"	"	"	750 & upw'ds			1.50

Rate for goods

18. The Wharfinger shall and may ask, demand, take and receive, of and from the owner, receiver or shipper of any goods, wares, merchandise, lumber, timber, ballast, limestone, bricks, agricultural produce of any kind, or any other articles, such sum or sums per ton or otherwise, for the landing or shipment of such merchandise or other articles as hereinafter specified. All wharfage may be demanded daily, and when obtained, either from vessels, goods, produce, or otherwise, shall be paid into the City Treasury monthly, to and for city purposes.

SCALE OF CHARGES TO BE TAKEN FOR IMPORTED GOODS LANDED ON THE WHARVES.

Rate on imported goods

For every ton of coal, limestone, salt, chains, anchors, copper and all heavy goods per ton..... $ .05

For every ton of measurement goods, per ton,..... $ .08

Goods in barrels, or computed per invoice by barrel measurement, allowing thirty gallons, to each barrel, or fish in bulk, per barrel..... $ .02

Indian corn, and all other grains in bulk, per one hundred bushels,..... $ .10

Lumber of all kinds, per thousand feet, inch measure ..... $ .08

Shingles, Laths, and Staves, per thousand..... $ .03

Bricks, per thousand..... $ .08

Ballast, per ton ..... $ .04

Horses, each ..... $ .08

Neat cattle, each ..... $ .04

Carriages and vehicles of all kinds, each..... $ .12

FOR GOODS EXPORTED

Rates on exports

Produce of all kinds, per hundred bushels..... $ .05

Hay and Straw, per ton..... $ .08

Horses, each..... $ .08

Neat cattle, each..... $ .04

Sheep, pigs, and calves, each..... $ .01

Ballast, per ton..... $ .03

And all other articles at the same rate herein before charged on the same description of imported articles.

Lease of wharves

Provided always, that it shall be lawful at all times, for the said City Council to let the said wharves, or either of them, to such person or persons, and for such rent as they shall deem proper, for any term not exceeding ten years, with full power to make such conditions, stipulations and agreements, with respect to the payment of the rent, the collecting of the wharfage and charges herein before specified, as to the manner of using of, and the repairing of, or adding to or improving the said wharves, or either of them, as the said Council shall deem advisable.

Security to be given by lessee

19. The person or persons leasing the said wharves, or either of them, shall give sufficient security, to the satisfaction of the said City Council, for the due payment of the rent, and for the performance of the covenants and conditions contained in the lease or leases of said wharf or wharves.

Rents

20. The rents arising from the wharves, or either of them, so leased as aforesaid, shall form part of the general revenue of the city.

Reservation

21. In every case a berth shall be reserved for the use of the steamer or other vessel carrying the mails, to be selected by the Government.

Powers of lessee

22. Every such lessee shall have the same powers and authority in collecting the wharfage and other charges as herein before conferred upon the City Wharfinger : Provided that such lessee shall, in no case, exact a greater or other amount for such wharfage or charges than is hereinbefore specified, or as the City Council may hereafter direct and appoint.

Penal clause

23. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Magistrate a penalty not exceeding the sum of thirty dollars for each offence, exclusive of costs ; and in default of payment thereof, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city, for any period not exceeding thirty days, unless the said penalty and costs be sooner paid.

CAP. XXV.

A By-law Relating to Horses and Carriages, and for the purpose of taxing the same

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Annual Tax on horses and carriages

1. There shall be paid by every person a resident of said city, and being the owner or keeper of all horses, carriages and sleighs, kept or used for the purpose of pleasure or profit within the limits of the said City of Charlottetown, the following annual assessment or tax, that is to say : The sum of two dollars for each and every horse so kept for pleasure or profit as aforesaid ; and the sum of one dollar for each and every carriage or sleigh so kept as aforesaid ; provided always that no person shall be liable to pay the tax hereby imposed for more carriages or for more sleighs than the number of horses owned by him.

Notice of Assessment

2. The following notice and certificate shall be deposited with every person owning or being the owner or keeper of such horse, carriage or sleigh, by the City Collector or other person duly authorized.

HORSES AND CARRIAGE TAX

You are hereby required to give a just and true account of all horses, carriages and sleighs owned or kept by you for the purpose of

pleasure or profit. The following certificate is left with you, to be filled up and transmitted to me within six days from the delivering hereof,

Dated this day of

A. D.

FORM OF RETURN

I certify that the number of horses, carriages and sleighs owned or kept by me for pleasure or profit, since the first day of

A. D. is or are

Penalty for neglect or refusal

3. Any person or persons keeping or owning any horse, carriage or sleigh, and who shall neglect or refuse to make due return thereof within the time specified, or who shall give a false statement relative to the number of horses, carriages or sleighs owned or kept by him, shall be subject to the penalties of this By-law.

Liability to pay tax for whole year

4. Any person becoming possessed of or owning, or keeping any horse, carriage or sleigh during any part of the period between the first day of January, and the thirty-first day of December, in any year, shall be liable to the tax on such horse, carriage or sleigh imposed by this By-law, as if he had possessed, owned or kept such horse, carriage or sleigh for a whole year, and the collector thereof is hereby empowered and required to demand and enforce such tax of and from the owner or keeper of such horse, carriage or sleigh.

5. The tax aforesaid shall be paid on or before the expiration of ten days after it has

been applied for by the Collector or other person duly authorized, and, in default of payment, all persons owning or keeping horses, horse carriages and sleighs shall be sued for the amount of the tax or assessment on the same, in the City Court of the City of Charlottetown, at the suit of the City of Charlottetown, and on judgment being given, Execution shall issue in the usual manner.

Exemption

6. Horses and trucks owned and used by licensed truckmen, are hereby exempt from taxation.

Penal Clause

7. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate, a penalty not exceeding the sum of thirty dollars for each offence exclusive of costs ; and in default of payment thereof it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid.

CAP. XXVI.

A By-law for Licensing, Regulating or Preventing Billiard Tables, Bowling Alleys, or other like places of Amusement.

BE it enacted by the City Council of the City of Charlottetown as follows :—

License

1. No person shall have in his possession, custody, or power, in the said city, any Billiard, Pool, or Bagatelle Table, or any Bowling Alley set up for hire or gain, directly or indirectly, without having first obtained the license severally required by this By-law.

No intoxicating liquors to be sold

2. No Billiard, Pool, or Bagatelle Table or Bowling Alley, shall be licensed, or kept or used in any tavern, house of entertainment, saloon or place where intoxicating liquors are sold, or in or upon any premises connected therewith.

Application for license

3. All applications for a license to keep either a Billiard, Pool, or Bagatelle Table, or to keep a Bowling Alley, shall be made in writing to the City Council, of said city, a copy of which petition shall be filed in the office of the City Clerk, at least one month previous to the meeting of the Council, at which such petition is to be presented.

Petition against

4. It shall be the right and privilege of any ten or more civic electors having votes in the civic ward in which the petitioner for such license seeks to set up such Billiard, Pool or Bagatelle Tables, or such Bowling Alley, to

object by petition or in any similar manner to the granting of any such license within such ward, such objection to be filed with the said City Clerk at least four days previous to the first meeting of the Council to consider such application for such license.

5. The objections which may be taken to the granting of any such license may be one or more of the following : Objections

(a.) That the applicant is of bad fame and character.

(b.) That the premises in question are out of repair or are not in a fit condition to afford accommodation for the use applied for.

(c.) That the licensing thereof is not required in the neighborhood ; or that the premises in which such Billiard, Pool, or Bagatelle Table or such Bowling Alley is sought to be set up, and used are in the immediate vicinity of a place of Public Worship, Hospital or School ; or that the quiet of the place or locality in which such premises are located will be disturbed if any such license is granted.

6. Every application for such license and all objections to every such applications shall be heard and determined at a regular meeting of Council open to the public. Disposal of applications and objections

7. The Council may refuse or grant any such license. In case it shall be determined to grant any such license, the Mayor of the city shall issue the same, countersigned by the City Clerk, on payment to such Clerk of a license fee of Issue of license

Fee

twenty-five dollars for one Billiard Pool or Bagatelle Table; and if more than one, ten dollars for each additional table; and of a license fee of fifty dollars for such Bowling Alley, the license for the several keeping and issuing whereof, has been granted by the said Council, which said several licenses shall be and continue in force for one year from the date of the issue thereof not renewable, but the licensee may make a fresh application for a new license in manner hereinbefore provided.

Conditions

8. All such licenses shall be granted subject to the following conditions, the breach of which shall be deemed a breach of this By-law.

(a.) The premises in which any such Billiard, Pool, or Bagatelle Table, or any such Bowling Alley is kept or used, shall be closed at the hour of eleven o'clock, p. m. every evening, and not opened before ten o'clock, a. m.

(b.) There shall not be any internal means of communication between the room in which such Billiard, Pool, or Bagatelle Table or such Bowling Alley is kept or used, and any place in which spirituous, fermented, or other manufactured liquors are or may be sold.

(c.) No person licensed as aforesaid shall permit, allow, or suffer any spirituous or fermented liquors to be drunk in the rooms in which such Billiard, Pool, or Bagatelle Table or such Bowling Alley is kept and used, or in or upon the premises kept therewith. Nor permit, allow, or suffer any gambling in such room or premises, or any betting on any game played in such room. Nor permit, allow, or suffer any

minor under the age of sixteen years to be or remain in such room, without the written consent of his parents or guardian, first had and obtained.

(d.) A copy of this By-law shall be required to be kept posted up in every licensed Billiard or Pool Room and Bowling Alley.

9. Any person or persons guilty of an infraction of any of the provisions of this By-law including those contained in section 8 shall upon conviction thereof before the Stipendiary Magistrate of the City of Charlottetown, forfeit and pay, a penalty not exceeding the sum of sixty dollars for each offence, exclusive of costs ; and in default of payment thereof, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding ninety days with or without hard labor, until the said penalty and all costs and charges be sooner paid. Penal clause

CAP. XXVII.

A By-law Respecting Milk Vendors

BE it enacted by the City Council of the City of Charlottetown, as follows :—

License

1. Every person publicly selling Milk in this city in or from any vehicles shall obtain from the Mayor thereof a license as Milk Vendor, and the Mayor is hereby authorized to issue such license upon receiving the license fee hereinafter mentioned.

Fee

2. The license fee shall be fifteen dollars per annum, and shall be payable on the first day of May in each year.

Inspector

3. The City Collector for the time being shall be, and is hereby appointed Inspector of all Milk offered for sale in this city.

Duties

4. It shall and may be lawful for the said Inspector to examine and inspect all Milk so offered for sale, wherever the same may be offered.

Powers of Inspector

5. It shall be the duty of every person keeping or offering Milk for sale, whether on the streets or in shops, or private dwellings, to furnish to and permit the said Inspector to take samples thereof for examination or analysis, and any person hindering the said Inspector in the discharge of his duty, or refusing to permit him to examine and inspect, or to take samples of

such Milk, shall be deemed guilty of an offence against, and incur the penalties of this By-law.

Analysis

6. It shall be the duty of the said Inspector, whenever he has reason to believe any Milk to be adulterated with water or any other substance, to procure a sample thereof to be analysed, and prosecute all persons who may be found selling, offering, or keeping for sale any adulterated Milk.

Adulteration

7. No person shall expose for sale, or sell anywhere in this city, Milk adulterated with water or with any deleterious substance.

Prohibitive to sell without license

8. No person shall expose for sale or publicly sell Milk in this city in or from any vehicle without having first obtained a license therefor in the manner above mentioned.

Penal clause

9. Any person or persons guilty of any infraction of any of the provisions of this By-law shall, upon conviction in the City Police Court of the Stipendiary Magistrate, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate, a penalty not exceeding the sum of thirty dollars for each offence, exclusive of costs, and in default of payment thereof, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the County of Queen's County, for any period not exceeding thirty days, unless the said penalty and costs be sooner paid ; provided always that nothing in this By-law shall be construed to require persons selling Milk in stores or from their private dwellings to take out the license above mentioned.

CAP. XXVIII.

A By-law for the Management and Regulation of the Victoria Park, Promenade and Roadway.

BE it enacted by the City Council of the City of Charlottetown, as follows :

Drunken and disorderly persons

1. It shall be lawful for any police officer, constable, caretaker, or other person, to exclude from the Victoria Park and Roadway in the City of Charlottetown, drunken or filthy persons, vagrants and notoriously bad characters, and to remove therefrom any person who is committing any nuisance, or is guilty of any disorderly conduct thereon.

Disorderly driving

2. No person shall ride or drive any horse, either with or without a vehicle, in the said Park or Roadway at an immoderate rate, so as to incommode or interfere with or endanger other parties frequenting the same.

Carriage drives

3. No person shall ride or drive any horse, or other animal, or vehicle on any turf or green sward in any part of the said Park, nor in any part thereof other than the roads set apart as carriage drives.

Injury to trees, etc

4. No person shall climb, break, cut, peel, deface, remove, injure or destroy any of the trees or shrubs, flowers, flower roots or grass, now growing or being or which shall hereafter be planted in the said Park.

5. No person shall dig or carry away any of the sward, gravel, earth, sand or turf in or from any part of the Park, except by permission of the Mayor or City Council of the said city, and for some public purpose. Injury to soil, etc.

6. No owner or keeper of any horse, grazing cattle, sheep or swine, shall suffer the same to go at large in the said Park and Roadway, and any horse, cattle, sheep or swine found at large therein, shall be impounded and detained by any poundkeeper of the said city until payment of the sum provided in the present, or in any future pound law, together with the costs and charges of impounding and keeping the same be made. Cattle at large

7. No person shall break in or train any horse, mare or gelding, or shall exhibit or let to mares any stud horse in said Park or Roadway. Breaking or training horses

8. No person or persons shall make or light any fire or bonfire in the said Park ; or shall fire or discharge any gun, fowling piece or fire-arms, or shall set fire to any fireworks therein, unless specially authorized by the Mayor in Council of said city. And no person or persons shall light, set off, or throw any fire crackers, squibs, or other noisy, offensive, or dangerous substance, or fireworks or stones in the said Park. Lighting fires, etc., prohibited

9. No person shall expose for sale in the said Park or Roadway refreshments of any kind without the permission of the Mayor or City Council of the said city. Sale of refreshments

10. No person shall break or injure any of

Injuries to houses, fences, etc

the bathing houses, buildings, erections, gates, locks, bolts or fences, or any of the seats or benches in the said Park.

Bathing; indecent exposure

11. No person shall bathe or swim along or near the shore of the said Park, unless properly clad in bathing suits or clothes; nor shall any person indecently expose any part of his or her person in the said Park, or along or near the shore thereof.

Foot Promenade

12. That part of the said Roadway having a width of about fourteen feet adjoining the water being the lower Terrace shall be a promenade for the use of persons on foot only.

Driveway

13 That part of said Roadway being the middle Terrace, and having a width of about forty feet chall be for a carriage way or drive and for bicycle riding.

Foot and Bicyle

14. The upper Terrace of said Roadway shall also be used as a promenade for persons on foot and bicycle riding also.

Limitation for driving or riding

15. No person shall ride or drive any horse, either with or without a vehicle on said Roadway or Terrace, or any part thereof, except that set apart as a carriage way or drive, being the middle Terrace of the said Roadway. Nor shall any person ride a bicycle upon the lower Terrace of said Roadway.

Penal clause

16. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction before the Stipendiary Magistrate of the said City of Charlottetown on

the oath or affirmation of any credible witness, forfeit and pay, at the discretion of the said Stipendiary Magistrate, a penalty not exceeding the sum of twenty dollars for each offence; and on non-payment thereof it shall and may be lawful for the said Stipendiary Magistrate to commit the offender or offenders to the common jail of the said City of Charlottetown, for any period not exceeding thirty days, unless the said penalty be sooner paid.

CAP. XXIX.

A By-law to provide for the Granting of Licenses to certain Persons not being Residents of the City of Charlottetown.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Practice of Medicine

1. No person not being a resident of the City of Charlottetown shall practice the profession of Medicine, Surgery, or any art of healing within the said city whether for reward or not, or in connection with the sale of any medicine, or medicinal, or scientific, or other preparation (except legally qualified Physicians, Surgeons and Practitioners who shall come under engagement to consult on any special case) without or until he (or she) shall first take out a license therefor from the said city and pay a license fee of ten dollars per week.

Patent Medicines

2. No person not being a resident of the said city shall sell or offer for sale any patent, proprietory or other medicines (so called, on any street, highway, alley or public square within the said City of Charlottetown, without or until he (or she) shall first take out a license therefor from the said city and shall pay a license fee of ten dollars per week.

Hawkers

3. No hawker or petty chapman, or other person not being a resident of the Province of Prince Edward Island, including persons who being agents for or representatives of persons or of any firm or corporation non-resident, or

whose head office is not within the Province, shall sell or offer for sale to any except the trade, or solicit orders for any kind of printing, printed forms, book-binding, blank books or stationery without or until he (or she) shall first take out a license therefor from the said city, and shall pay a license fee of fifty dollars.

Transient traders

4. No transient trader or other person who occupies premises within the said city for a temporary period, and whose name has not been duly entered on the Assessment Roll of the said City of Charlottetown in respect of personal property for the then current year, shall offer goods or merchandise of any description for sale by auction, or in any other manner conducted by himself or by a licensed auctioneer, or otherwise, within the limits of said city, without or until he shall first take out a license from the said city, and pay a fee of three hundred dollars for that purpose: Provided always that this section shall not affect or apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the said city where the insolvent carried on business therewith at the time of the execution of an assignment.

Sale of Ginger Ale, etc

5. No person not being a resident or rate payer of the said city shall within the said city publicly sell ginger ale, ginger beer, or any aerated waters in or from any vehicle without or until he shall first obtain a license therefor, and pay a license fee of three dollars per annum.

General clause

6. All persons non-residents of the said city using any art trade, mystery or occupation, or

engaged in any profession, business or employment within the city not coming under the before mentioned classes, shall pay a license fee of not less than two dollars, and not more than fifty dollars per annum, the precise amount to be fixed by the Mayor.

Application for license

7. Every person requiring a license for any of the purposes for which a license is required to be taken out under the provisions of this By-law, shall make an application therefor in writing to the City Clerk, which shall contain the name of the applicant or applicants, the trade or business required to be licensed, and the premises or place in which the same shall be carried on.

License

8. Every license issued under this By-law shall be signed by the Mayor of the city and countersigned by the City Clerk, and shall mention therein the name of the person or persons, and the trade or business intended to be licensed, and the premises or place in which the same is to be carried on, together with the date of the issue thereof and the period for which the same shall continue to be valid, otherwise the same shall be null and void.

Fee

9. No license shall have any force or effect until the license fee in respect thereof shall have been paid to the City Clerk and his receipt therefor indorsed thereon.

Form

10. Every license issued under the authority of this By-law shall, unless it is expressed to be granted for a shorter period, and unless the same shall be sooner forfeited, be for the current

year at the time of the issue thereof and shall expire on the last day of April then next.

11. The words "Current Year" shall mean the period of time from the last day of April in any year to the first day of May of the following year. Current year

12. Any person or persons who shall be guilty of any infraction or breach of any of the provisions of this By-law, shall for each and every offence, upon summary conviction therefor before the Stipendiary Magistrate of the City of Charlottetown, forfeit and pay a fine of fifty dollars, when the fee for such license is twenty dollars and upwards; and a fine of twenty dollars when the fee for such license is from ten to twenty dollars; and a fine of ten dollars when the fee for such license is less than that amount; to be sued for, prosecuted and recovered in the name of the City Collector for the time being, and in default of payment of the said fine, imposed with costs forthwith, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of Queen's County, for any period not exceeding sixty days, in the discretion of the said Magistrate, unless the said penalty and costs be sooner paid. Penal clause

CAP. XXX.

A By-law to suppress Disorderly Houses or Houses of Ill Fame.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Inmates

1. No person shall keep or be an inmate or habitual frequenter of any disorderly house, house of ill fame, or bawdy house within the the said city.

Disorderly houses

2. No person shall knowingly permit or suffer his or her house or any room or part thereof within the said city to be occupied or used as a disorderly house, house of ill fame, or bawdy house.

Shouting and fighting

3. No person shall within the said city suffer or permit shouting, fighting, screaming, making of any unusual noise, or any other improper or disorderly conduct in the house or premises occupied by him or her in the said city, calculated to disturb the inhabitants of said city. Nor shall any person make or cause to be made any unusual noise by fighting, screaming, or shouting in the house or premises occupied by him or her within the said city, calculated to disturb the inhabitants of said city.

Right of search

4. The City Marshall, or any police constable of the said city may enter by day or by night into the houses where it is known or suspected that females are kept or harbored for the purposes of prostitution ; and to arrest

all such females and other persons when found therein.

5. No person shall keep or frequent for the purpose of gaming, any gambling house within the said city, or knowingly permit his or her house or any room or part thereof within the said city to be used as a gambling house. Gaming houses

6. The City Marshall or any of the police constables of the said city may enter into any gambling house within the said city and seize and destroy any rouge-et-noir and roulette tables and other devices for gambling found therein. Search

7. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, on conviction in the City Police Court of the Stipendiary Magistrate on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate a penalty not exceeding the sum of ninety dollars for each offence exclusive of costs ; and in default of payment thereof it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding ninety days, with or without hard labor, unless the said penalty and costs be sooner paid. Penal clause

CAP. XXXI.

A By-law Relating to the Duties of the City Electrician.

BE it enacted by the Mayor and City Council of the City of Charlottetown, as follows :—

City Electrician

1. The City Council of the City of Charlottetown may appoint a competent Electrician, who shall be under the direction of the City Surveyor, who shall hold office in the same manner and upon the same general terms as other city officials, and who shall be sworn before the Mayor to the faithful performance of his duties before he shall act as City Electrician.

Duties

2. The duties of such Electrician shall be :

(*a*) To obey all all instructions given by the City Council and His Worship the Mayor.

(*b*) To be the Superintendent of the Fire Alarm System, and all other electric wires and wire systems now or hereafter owned by the city ; to have the care of all wires, apparatus, machinery and other property connected therewith, and keep the same at all times in good working order, and to comply with all instructions given by the Fire Board.

(*c*) To have the care and maintenance of all wiring in the city property, and all apparatus and fixtures in connection therewith.

(*d*) To inspect the condition, insulation, attachments, construction and arrangements of

all electric and other metallic wires, posts and connections erected upon, over, or under any street, building or public place; and all wires designed to carry electric light and power current within buildings throughout the city, and shall report all violations of any law, ordinance or regulation relating to electric wires, poles, lamps and fixtures.

(*e*) To cause the Charlottetown Light and Power Company, Limited, or any Company having the contract for lighting the streets of the City of Charlottetown to keep the street lamps clean and in good order for use; to see that they are kept lighted at such times as the convenience of the public requires and the contract provides, and to see that all other conditions of the lighting contract under his control are complied with.

Unsafe and dangerous wiring

3. Whenever in the opinion of said Inspector any conductors or compliances used for the transmitting of electrical energy for any purpose whatever are in an unsafe or dangerous condition, he is hereby authorized to notify the owners thereof of such defects and to require that the same be forthwith remedied. And where such wires are intended to carry light, heat or power current, he is hereby authorized to cause the current to be shut off if the existing defects are not remedied within a reasonable time.

Contractor to give notice

4. Every corporation or person proposing to place wires designed to carry a current for light, heat or power, within a building shall give notice thereof to said Inspector before commencing the work, and shall not connect said wires to

Power Plant until permission to do so shall have been given by said Inspector.

Insulation

5. All wires entering a building whether for light, heat, power or otherwise, shall have non-combustible, non-absorptive insulation.

Penal clause

6. Any person or persons guilty of an infraction of any of the provisions of this By-law shall, upon conviction before the Stipendiary Magistrate of the City of Charlottetown on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate, a penalty not exceeding the sum of fifty dollars for each offence exclusive of costs; and in default of payment of said penalty and costs forthwith, the said penalty and cost or costs only may be levied by distress and sale of goods and chattels of the offender, and in case there shall be no distress found out of which such penalty can be levied, it shall and may be lawful for the said Stipendiary Magistrate to commit the offender or offenders to the common jail of the said City of Charlottetown for any period not exceeding thirty days, unless said penalty be sooner paid.

CAP. XXXII.

A By-law to Regulate the Running of Automobiles and Motor Vehicles within Charlottetown and Common, including Victoria Park and Roadway.

BE it enacted by the City Council of the City of Charlottetown, as follows :—

Alarm gong

1. Every automobile or motor vehicle, shall be equipped with an alarm bell, gong or horn, and the same shall be sounded whenever it shall be reasonably necessary to notify pedestrians or others of the approach of any such vehicle, and all such vehicles shall carry in the front thereof a lighted lamp in a conspicuous position in such vehicles whenever in motion in any street or highway, at any time after dusk and before dawn.

Rate of speed

2. No automobile or motor vehicle shall be run upon any public highway or street within the City of Charlottetown or Common thereof, or upon Victoria Park or Roadway at a greater rate of speed than eight miles an hour.

Reckless driving

3. Notwithstanding the provisions of section two thereof, if any person drives an automobile or motor vehicle on a public street or highway, recklessly, or negligently, or at a speed, or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the highway and to the amount of traffic which actually is at the time, or which might reasonably be expected to be on the highway, that person

shall be guilty of an offence under this By-law.

Racing &c.

4. No person shall drive an automobile or motor vehicle upon any public street, highway, road, park, parkway, or driveway in a race or on a bet or wager.

Victoria Park; exception

5. No person shall drive an automobile or motor vehicle upon the Victoria Park or Roadway, except between the hours of six a. m. and twelve noon, and every person driving thereon, except as aforesaid, shall be guilty of an offence under this By-law.

Intoxicated persons

6. No intoxicated person shall drive an automobile or motor vehicle.

Provisions as meeting and passing horses

7. Every person having control or charge of an automobile or moter vehicle shall, whenever upon any public street or highway and approaching any vehicle drawn by horse or horses, or any other horse upon which any person is riding, operate, manage and control such automobile or motor vehicle in such a manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses, and to insure the safety and protection of any person riding or driving the same, and if when approaching or passing such horse or horses, any such horse or horses appear frightened, he shall reduce its speed, and shall not proceed further toward such animal or animals unless such movement be necessary to avoid accident or injury, or until such animal or animals are under the control of the rider or driver, and if he approach any such person riding or driving any animal or horse upon any street or public highway, he shall also stop any such automobile or

motor vehicle when signalled by such rider or driver so to do by raising his hand, or otherwise requested, and shall remain stationery so long as may be necessary to allow such rider or driver to pass, or until directed by such rider or driver to proceed.

Lock

8. Every automobile or motor vehicle shall be provided with a lock, key, or other device to prevent such vehicle being set in motion, and no vehicle shall be permitted to stand or remain unattended in any shed, highway, park or public place without first locking or making fast the vehicle.

Burden of proof

9. When any loss or damage is incurred or sustained by any person, by an automobile or motor vehicle, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver of such vehicle.

To pass on left side

10. All automobiles or motor vehicles when meeting other vehicles shall pass to the left side thereof.

Penal clause

11. Any person or persons guilty of an infraction of the provisions of this By-law upon conviction in the City Police Court of the Stipendiary Magistrate of the City of Charlottetown, shall forfeit and pay, at the discretion of the said Magistrate, a penalty not exceeding the sum of twenty-five dollars for each offence, exclusive of costs, and, in default of payment thereof, it shall and may be lawful for the said Magistrate to commit the offender or offenders to the common jail of the said city for any period not exceeding thirty days, unless the said penalty and costs be sooner paid.

AN ACT

—TO—

Consolidate and Amend

The Several Acts

Incorporating

The City of Charlottetown

CAP. XVII.

An Act to Consolidate and Amend the several Acts Incorporating the City of Charlottetown.

[Assented to 30th April, 1903.]

WHEREAS it is deemed expedient to consolidate and amend the Acts incorporating the City of Charlottetown. Preamble

Be it therefore enacted by the Lieutenant Governor and Legislative Assembly of the Province of Prince Edward Island, as follows:

1. That the inhabitants of the said City of Charlottetown and Common, and their successors, inhabitants of the same, shall be and they are hereby appointed a Body Corporate and Politic, in fact and in name, by and under the name, style and title of the "City of Charlottetown," and as such shall have perpetual succession and a common seal, with power to break, renew and alter the same at pleasure; and shall be capable of suing and being sued, and of impleading and being impleaded in all Courts of Law and Equity and other places, in all manner of causes actions and matters whatsoever; and of accepting, taking, purchasing and holding goods and chattels lands and tenements, real and personal property and estates; and of granting, selling, alienating, assigning, demising and conveying the same; and of entering into and becoming a party to contracts, and of granting and accepting any bills, bonds, judgments or other instruments or securities for the payment or securing of the payment of any money borrowed or lent, or for the performance or securing the performance of any other duty, matter or thing whatever, and to do and execute all Acts, and possess and enjoy all powers and immunities incident to such a Corporation, or which may be for the benefit and advantage thereof, subject to the regulations hereinafter provided. The City of Charlottetown

Charlottetown divided into five Wards

2. For the purposes of this Act the said City of Charlottetown shall be and is hereby divided into Five Wards, to be called respectively, the First, Second, Third, Fourth, and Fifth Wards, and which said Wards shall be divided, bounded and limited as follows, that is to say:—Number One shall comprise all that part of Charlottetown which lies south of Dorchester Street, including the parcel of land formerly known as the "Military Barrack Ground;" Number Two shall comprise all that part of Charlottetown which lies south of Richmond Street and north of Dorchester Street; Number Three shall comprise all that part of Charlottetown which lies south of Grafton Street and north of Richmond Street; Number Four shall comprise all that part of Charlottetown which lies south of Fitzroy Street and north of Grafton Street; Number Five shall comprise all that part of Charlottetown which lies north of Fitzroy Street, including the Common of the said town.

Description of Wards

Administration vested in a Mayor and eight Councillors

3. The administration of the fiscal, prudential and municipal affairs, and the Government of the said City, shall be vested in one principal officer, who shall be and shall be styled the Mayor of the City of Charlottetown; and eight persons who shall be and shall be styled Common Councilmen of the City of Charlottetown, to be severally elected, one Councillor for each of the Wards One, Two and Three; two Councillors for Ward four; and three Councillors for Ward Five, as hereinafter provided; and such Mayor and Common Councilmen for the time being shall be, and be called, the City Council of the City of Charlottetown; and all By-laws made by the said City Council shall express to be enacted by the City Council of the City of Charlottetown, and there shall be paid from and out of the moneys belonging to the said City to the said Mayor, for the time being, in lieu of all fees and perquisites, a salary not exceeding three hundred and twenty-five dollars currency per annum.

Salary of Mayor

Persons disqualified from being elected Mayor or Councillor

4. No person being in holy orders or being a minister or teacher, duly licensed by any denomination of Christians in this Province, shall be qualified to be elected Mayor or Councillor of the said City, nor shall any one be qualified to be elected Mayor of the said City who shall not be seized or possessed of freehold or leasehold property, or both, situate in the said City of the value of sixteen hundred dollars, over and above all legally recorded incumbrances; nor shall any person be qualified to be elected a Councillor of the said City who shall not be seized or possessed of freehold or leasehold property, or both, situate in the said City to the amount of one thousand dollars over and above all legally recorded incumbrances, or who shall not be in the possession, use or occupation of premises in the City of the yearly rental of or assessed at two hundred dollars per annum; nor during such time as such person shall hold any office or place of profit in the gift or disposal of the said Council, nor during such time as he shall have directly or indirectly by himself or his partner, any share or interest in any contract or employment with or on behalf of the Council: Provided that no person shall be disqualified from being a Councillor as aforesaid by reason of his being a proprietor or shareholder of any Incorporated Company.

Certain Acts disqualify Mayor or Councillor

5. If any person holding the office of Mayor or Councillor shall be declared bankrupt, or make an assignment for the benefit of creditors or otherwise dispose of all his property or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall have any interest by himself or partner in contract or employment with or on behalf of the City Council shall compound by deed with his creditors, or shall be absent from the said City more than three calendar months at one and the same time, without being authorized by a resolution of the City Council entered upon its minutes, unless in

case of illness, then and in every such case such person shall immediately become disqualified and shall cease to hold the office of Mayor or Councillor as aforesaid.

Mayor and Councillors to go out of office every alternate year

6. On the second Wednesday in February, A. D 1904, the Mayor and all the Councillors of the said City shall go out of Office, and on the same day in every second year thereafter the Mayor and all the Councillors shall go out of office.

Mayor and Councillors to continue in office until successors appointed

7. The Mayor and Councillors shall continue in office until their successors shall be elected, or they themselves be re-elected, and when any vacancy shall happen in the Council by death, resignation or otherwise, the person elected to fill the same shall hold office until the period at which the person in whose stead he shall have been elected would in the ordinary course have gone out of office

An extraordinary vacancy, how filled

8. If an extraordinary vacancy shall occur in the office of Mayor or Councillor of the said City the persons qualified to vote shall, on a day to be fixed by the Mayor or a majority of the Councilmen (such day not being later than thirty days after such vacancy), elect from the persons qualified to fill such office another person duly qualified to fill such vacancy; and such election shall be held, and the voting and other proceedings be conducted in the same manner and subject to the same provisions as are hereinafter provided.

Councillor may resign on payment of $16

9. It shall be lawful for any person holding the office of Councillor to resign his said office at any time by a declaration to that effect, under his hand and on the payment of a fine of sixteen dollars, and a Councillor shall be elected in the manner aforesaid for the Ward for which such Councillor so resigning was elected.

Election to be biennially

10. The Mayor and City Councillors shall be elected biennially on the second Wednesday in February in every alternate year, unless the same shall fall on a Statutory holiday, when the election shall be held on the following day.

All officers may be re-elected

11. All officers of the City who by the provisions of this Act shall go out of office, shall be capable of immediate re-election if then qualified as required by this Act.

If Councillor elected for more than one Ward, option of seat to be made within three days

12. If at any election of a Councillor or Councillors any person shall be elected a Councillor for more than one Ward of the said City, he shall within three days after notice thereof make his option, or on his default the Mayor of the said City shall declare for which of the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that Ward, and in no other; and another election shall thereupon be held in the Ward for which such person shall not elect to serve, as in other cases of extraordinary vacancies.

Public notice of Elections, how given

13. Public notice of the time and place of holding all elections of Mayor and Councillors shall be given by the City Clerk, countersigned by the Mayor or presiding Councillor, by publishing a notice thereof in one or more newspapers published in the said City, and by posting printed notices thereof in the several Wards; such notices to be published as aforesaid for at least ten days before nomination day.

Nominations to be made 7 days before election

14. Seven days before the time of holding any and every election for Mayor or Councillors, the persons, candidates for the office of Mayor or Councillors, shall give their names in as such candidates to the City Clerk, and the City Clerk shall duly enter the names, residences and additions of such persons, together with the office and wards for which they are candidates, and such entry when made shall be deemed nomination by such candidates.

Nomination fee for Mayor, $10, for Councillor, $5

15. There shall be paid by each person so nominated for Mayor at the same time, a fee of ten dollars, and for each person nominated as Councillor a fee of five dollars, which sum shall go towards defraying the costs of the Election.

Manner of nomination

16. No person shall be qualified either for the office of Mayor or Councillor unless such nomination be made in the manner and at the time aforesaid.

Time for nomination from 12 to 4

17. The time appointed for the nomination of candidates shall be from the hour of twelve o'clock, at noon, until the hour of four o'clock in the afternoon of the day fixed for that purpose. And should there be only one person nominated for Mayor, or only one person nominated as Councillor for either of the Wards One, Two, or Three, or only two persons nominated as Councillors for Ward Four, or only three persons nominated as Councillors for Ward Five, then no poll shall be opened or held for the election of such person or persons, but the person or persons so duly nominated for Mayor or Councillor, or Councillors, as the case may be, shall be deemed duly elected for the office of Mayor or Councillor, as the case may be, without further or other proclamation or return.

Open voting

18. All elections shall be by open voting in public and shall be held at convenient places in the several wards of the said City, and shall respectively be held by and before such fit and proper persons as may be appointed by the Mayor of the said City for the time being, or in case of vacancy in the office of Mayor, by the Councillors of the said City as Returning Officers at such elections.

Appointment of Returning Officers

Poll opens at 9 and closes at 5

19. At all elections of a Mayor and Councillors or Councillor the Poll shall be open at nine o'clock in the forenoon and shall continue open until five o'clock in the afternoon of the same day.

Names of voters entered in Poll Book

20. The name of each Elector voting at such elections shall be written in poll books under appropriate heads to be kept at such election by the Returning Officer, who shall at the close of each election (in case no person who had voted at the same election shall then publicly demand a scrutiny) forthwith proceed publicly to declare the number of votes given for each candidate or person for whom votes shall have been taken, and shall declare the person or persons having the majority of votes in his or their favor to be duly elected; and if there should be at the final closing of the Poll as aforesaid an equal number of votes polled for two or more persons, it shall be lawful for the Returning Officer, and he is hereby required whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them, and determine the election; and the Poll Books kept at such election shall by the Returning Officer be delivered on the day after the conclusion of every such election to the Clerk of the City, to remain in his office where they shall be open to inspection by any elector, and at the same time the said Returning Officer shall make due Return to the City Council that the candidate having the greatest number of votes for the office of Mayor has been duly elected, and that the candidate or candidates (as the case may be) having the greatest number of votes for the office of Councillor has been elected; and the person or persons so returned shall be deemed and held the Mayor of the City and the Councillor, or Councillors, for the several wards for which he or they are elected; and such return shall be conclusive evidence of the due election of the person or persons therein returned elected, and of the regularity and happening of every pre-requisite necessary to holding such elections.

Returning Officers must give casting vote

Poll Book to be returned to City Clerk

Returinng Officers to make returns

Returns conclusive evidence

21. Should a scrutiny be demanded, as aforesaid, the Returning Officer shall note such demand in the Poll

Scrutiny to be held before Mayor and Councillors

Book, and every such scrutiny if persevered in, shall be finally determined by the City Council by the judgment of the Mayor and Councillors elect, or any three of them whose elections are not disputed, and who shall have power to hear witnesses on oath; and in the event of the Mayor's election being disputed, or in the absence of the Mayor then in office, to appoint a Chairman with right to vote, and if need be to give a casting vote, provided that no vote shall be scrutinized but those marked as having been objected, and that such scrutiny or scrutinies shall be proceeded with on the day next after the close of the said elections, and thenceforth day by day, without intermission, (Sundays, Christmas Day and Good Friday excepted), until all the said scrutinies in rotation, if more than one, shall be determined; no one scrutiny being allowed to engage more than ten days, and the Returning Officer shall then make due return as aforesaid, being governed therein by the decisions made on such scrutinies.

If Mayor Election disputed Chairman to be appointed

Mode of Scrutiny

Peace Officer to assist Returning Officer in case of disorder

22. It shall be the duty of the Returning Officer, and he shall and is hereby declared to have full power and authority to preserve order and decorum, and to suppress all riotous, tumultuous and disorderly conduct at such elections, and for that purpose to call to his aid any constable or other peace officer and also to command the aid and assistance of any person or persons who may be present; and any peace officer or other persons neglecting or refusing to afford such assistance shall be taken and be deemed to be guilty of a misdemeanor; and such Returning Officer shall for the time being, have the power and authority of a Justice of the Peace, and shall have authority to cause any person or persons who shall be guilty of any riotous tumultuous or disorderly conduct at any such election to be taken into custody and committed to Jail: Provided however that such imprisonment or restraint shall not at any time continue more than forty-eight hours after the close of the Poll; and provided further

Returning Officer to be Justice of Peace

that the person so guilty of such disorderly conduct shall be liable notwithstanding such restraint, to be prosecuted and punished in the same manner as if such arrest had not been made.

Mayors and Councillors' oath

23. The Mayor and Councillors shall before entering on the duties of their offices respectively be sworn by taking and subscribing the oath of allegiance and oath of office; and such oath shall be administered to the Councillors by the Mayor, being himself first sworn before one of the Judges of the Supreme Court, and a certificate of such oaths having been taken shall be entered by the City Clerk on the City Minutes, and the said oaths of office shall be in the following form :

MAYOR'S OATH :

I, , do swear that I am duly qualified, as required by law, for the office of Mayor, to which I have been now elected, and that I am seized, or possessed of *Freehold Estate, of Leasehold Estate, or of Freehold and Leasehold Estate, both together* (as the case may be) for my own use, in the City of Charlottetown over and above all legally recorded incumbrances, of the value of sixteen hundred dollars; and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected to the said office. And I do swear that I will diligently, faithfully and impartially, and to the best of my ability, discharge the several duties which appertain to the said office of Mayor while I hold the same.

"So help me God."

COUNCILLOR'S OATH.

I , do swear that I am duly qualified by Law for the Office of Councillor to which I have now been elected, and that I am seized or possessed for my own use in the City of Charlottetown, over

and above all legally recorded incumbrances of Freehold Estate, Leasehold Estate, or of Freehold and Leasehold Estate, both together (as the case may be) of the value of one thousand dollars or (in case of a rental qualification) that I am in the use, possession or occupation of premises in the City of the yearly rent of, or assessed at two hundred dollars per annum, and that I have not fraudulently or collusively obtained the same or a title to the same, for the purpose of qualifying myself to be elected to the said office; and I do swear that I will diligently, faithfully and impartially, and to the best of my ability, discharge the several duties which appertain to the said office of Councillor while I hold the same:

"So help me God."

QUALIFICATION OF ELECTORS.

Qualification of Electors

24. At the election of Mayor or of a Councillor or Councillors, there shall be qualified to vote thereat, every male inhabitant of the said City and Common thereof, and every female inhabitant thereof, being a widow or unmarried, of the age of twenty-one years and upwards who shall have resided in the said City or Common for at least one year then next preceding the day of such election, and who shall be a British subject, and who shall have paid, previous to the time of holding such election, all rates, taxes and assessments then due by him or her, of which payment the evidence shall be the receipt of the City Clerk or City Collector to that effect produced at the time of such voting, and—

Freeholder

(1) Who shall actually and within the Ward for which he or she shall vote, then be, and for three months previously shall have been, actually, and in his or her own right, the *bona fide* owner of the freehold of lands or premises in said City or the Common thereof, of the assessed value of one hundred dollars,—

(2) And there shall also be qualified to vote thereat, every male inhabitant of said City and Common thereof, being a British subject and having the qualifications in respect to age, residence and payment of taxes, set forth in this twenty-fourth section, who shall actually and within the ward for which he shall vote, then be, and for three months previously shall have been, actually and in his own right, in the tenancy or occupancy of any lands, premises or tenements in said City, or the Common thereof, of the yearly rental of fourteen dollars, however payable, or— Occupier

(3) Who shall have paid income tax to the amount of two dollars and upwards for the year preceding such election, or— Income Tax

(4) Who shall have paid poll tax to the amount of two dollars for the year preceding such election, provided such poll tax shall have been paid at least one month before the day of the election at which he claims to vote. Poll Tax

25. Every non-resident of said City, otherwise qualified to vote under any of the four qualifications aforesaid, and who shall be doing business and in actual occupation of a shop, office, or business premises in the City or Common thereof, shall be entitled to vote for such Mayor or Councillor or Councillors, and shall if his qualification is as a freeholder, vote in the ward or wards where his qualification lies; or being otherwise qualified in the ward in which his place of business is. Non resident Electors

26. Whenever two or more persons are, either as business partners, joint tenants, tenants in common, or by any other kind of joint interest, the owners, tenants or occupants of lands, premises or tenements in said City, each of such persons whose share therein is sufficient in value, or in the case of Joint tenants and tenants in common

tenants or occupants, in amount of rent, according to the provisions of this Act to qualify such person as an elector shall be entitled to vote in respect of such share as if it were held in such person's individual name, and not jointly with one or more.

Freeholders and occupiers to vote in ward where property situate

27 Persons entitled to vote at the election of a Mayor and Councillors, as aforesaid, shall, when entitled to vote under the first and second above named qualification vote in the ward in which such qualification is, and may vote in any and every ward in which they shall be so qualified, and being otherwise qualified, shall vote in and for the ward in which they live.

Elector to take prescribed oath.

28. Every person desirous of voting at any Election of a Mayor or Councillors, shall, before he be permitted to vote, if required by the candidate or his representative, make oath to the particulars of his qualification, and that he had not before voted at such Election in manner herein provided; which oath the officer or person holding such Election is hereby authorized and required to administer, and which oath shall be in the form following, that is to say :—

"I, A. B., do solemnly swear that I am a British subject and of full age, and have paid all rates and assessments due by me, and that I am qualified by law to vote in this ward at this Election, and have not voted before at this Election within this ward, and have voted at no other ward at this Election except where I was duly qualified and my qualification is as follows :

"So help me God."

Oath against Bribery

And in every case the Returning Officer shall note in the poll book that the voter was sworn, and which of the said qualifications he swore to; the candidate or his agent shall also, if he deem it necessary,

require the person or persons seeking to vote to make oath that he has not been bribed to vote for any candidate or candidates, in the form herewith annexed, that is to say :—

"I, A. B. do swear that I have not received, or had for myself or any person whatsoever, in trust for my use and benefit directly or indirectly, any sum of money, office, place, employment or gift in order to give my vote at this Election.

"So help me God"

Perjury, punishment for

29. If any person shall knowingly swear falsely as to any of the particulars of his alleged qualification, or if he shall knowingly swear falsely in taking any of the oaths prescribed by this Act, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by law in cases of wilful and corrupt perjury.

OFFICERS OF CITY.

Auditors, appointment of

30. As soon as convenient, after the Annual Election, the Mayor and Members of the said Council shall elect, from persons qualified to be Common Councilmen, one or more persons who shall be called Auditor or Auditors of the City of Charlottetown, whose duties shall be as defined by this Act, and otherwise as required by the By-Laws of the said Corporation, and every such Auditor shall continue in office until the end of the Civic Year in which he was appointed : Provided always, that no member of the said Council, nor the Clerk, nor the Mayor of the said City shall be capable of being elected an Auditor as aforesaid.

Oath of Auditors

31. The said officers shall, before assuming the duties of their office, take the same oath as is herein-before required to be taken by a Councillor.

Appointment of Clerk, Marshall, Wharfinger, and Pound-keeper

32. It shall be lawful for the said Council of the said City, from time to time, as occasion may require, to appoint a fit and proper person, not being a member of the Council, to be Clerk of the said City; also, to appoint a City Marshal, and as many Constables as the City Council may deem necessary, and which said City Marshal and Constables respectively, shall be duly sworn before the Mayor or Stipendiary Magistrate to the due execution of the duties of their office, and have all the power and authority vested by law in any Constable of the County of Queen's County, one or more fit person or persons, not being of the Council, to be Clerk or Clerks of the Markets of the said City, wharfinger or wharfingers of the said City wharfs, and one Surveyor of Highways, Streets, or Bridges; and one or more Collector of rates for said City; and one or more Pound-keeper or Pound-keepers for said City; and such other officers as they may think necessary to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such officer and appoint another in his place; and the said Council shall take such security for the due execution of the offices of City Clerk or other officer, as they shall think proper.

Duties of Clerk

33. The City Clerk of the City of Charlottetown may receive all rates, taxes and assessments, which shall be levied and imposed upon, or payable by any of the inhabitants of the said City, or other persons, and shall daily deposit the same in such Bank as shall be directed by the City Council.

Taxes to be deposited in Bank

34. The City Council shall direct from time to time, at what Bank in Charlottetown the moneys received for taxes and other sources of revenue shall be paid, and all moneys shall be paid to the Bank aforesaid. All officials paying money to the said

Bank, on account of the City, shall make and deliver to the City Clerk a full and particular statement of all moneys so paid immediately after paying the same.

Money, how drawn from Bank

35. The Cashier of the Bank where the City Account is kept, shall not pay any moneys deposited in said Bank to the credit of the said City, otherwise than upon an order in writing from the City Council, signed by the Mayor and counter-signed by the City Clerk.

Duties of Clerk

36. The City Clerk shall be the General Accountant for the City, and shall receive and preserve in his office all City accounts and books, and all vouchers, documents, and papers relating to the accounts and contracts of the City, its revenue, debt and fiscal affairs, and he shall annually prepare a full and accurate report of the financial condition of the City, and also, whenever required, shall furnish the Mayor or any committee of the Council, with abstracts from any books, accounts, records, vouchers or documents in his office, or any information in relation to anything pertaining to his office, or to the revenue of the City, and he shall, at all times, permit the Mayor or any member of the City Council to examine any books, papers or documents in his office, and the books containing the said accounts, with all vouchers and papers relating thereto, shall, in the first week in every month, be submitted to the Auditors of the City, whose duty it shall be to audit the same.

Appointment of Recorder

37. The City Council shall appoint a Recorder for the said City, being a Barrister of at least three years' standing, whose duty it shall be to afford legal advice and assistance to the Mayor and Council of the City in the performance of their respective offices, and take the charge and management of all legal business connected with the affairs of the City; to

draft or revise all legal documents required by the City, and to act as Counsel and Attorney for the City in any suits in any Court to which the Corporation may be a party; and the said Recorder shall hold his office during pleasure, and shall receive a salary not exceeding three hundred and fifty dollars from the city funds in lieu of all fees.

Salary

Sheriff, Coroner

38. The Sheriff of the County of Queen's County, and the Coroners of the said County, shall be respectively Sheriff and Coroners of the said City; but shall not exercise any power or authority over the City relative to Civic matters.

Jail

39. The common Jail of Queen's County shall be deemed and taken to be the common Jail of the said City.

Officers, how accountable

40. All boards, commissioners and officers appointed to act under the authority of said corporation, or entrusted with the collection or expenditure of any public money, shall be accountable therefor to the said Corporation, in such manner as may be ordained and directed by the bye-laws and ordinances of the said City.

Salaries of officers

41. All the officers of the said City shall be remunerated by fixed salaries, to be adjusted, settled and fixed, from time to time, by the said City Council, and all fees of any nature or kind which may be paid to or received by any officer of the said City for any act, matter or thing done by him, in virtue of such his office, shall be paid over to the City Clerk, and form part of the funds of the said City.

TAXATION.

Assessors, appointment of

42. The City Council shall after the annual election in the year A. D. 1904, and every third year thereafter, as soon as convenient, after the second

Wednesday in February in such year elect and appoint three competent persons to be called the Assessors of said City, who shall possess similar qualifications to that of a City Councillor, and shall take the same oath as required of such Councillor who shall hold office for three years and until their successors are appointed.

Assessor, death of

43. In case of the death, resignation or disqualification of all or any of the Assessors, the City Council shall appoint other competent person or persons in their or his place or stead possessing similar qualifications.

Assessors, duties of

44. Such Assessors shall immediately after their appointment value all the real estate of the City in parcels or plots, as the same are owned, or in case the ownership is not known as the same are occupied, as nearly as they can ascertain the same, and shall assess and rate all persons liable to poll tax, and when required by said City Council shall also value all personal property in said City, and the incomes of all persons therein liable to pay income tax.

To be furnished with book

45. Forthwith upon their appointment the City Clerk shall furnish the Assessors with one general Assessment Book, with printed headings, setting forth the Real Estate, Personal Property, Income and Poll Tax in respect of which each person, Corporation, or Joint Stock Company is liable to taxation.

Duties of Assessors

46. The assessors on receiving such assessment book, shall proceed to ascertain by diligent enquiry and by examination all the real estate within City limits, liable to be rated and assessed, and also the names and additions of all persons liable to pay poll tax ; and if required, all the personable property taxable, and the extent, amount, nature and cash value of the same, and the names and income of all persons liable to income tax ; and may if they think it desirable

in order the better to enable them to arrive at the correct valuation of the real or personal property or income of any tax-payer, forward by mail to or serve upon such tax-payer the following schedule to be filled in by him, and it shall be the duty of any rateable person upon receiving such schedule to set out therein fully and correctly the value of all his or her real and personal property under the different heads specified in such schedule, and to return the same duly signed by him or her to the said assessors within fourteen days after the receipt thereof.

SCHEDULE.

Schedule

Statement of Real and Personal Property and Income of . . . . . liable to assessment . . . . . $

1. Real Estate at its actual value . . . . . $
2. Household furniture and movable property in dwelling and premises occupied by subscriber . . . . . $
3. Goods, wares and merchandize within City . . . . . $
4. Income . . . . . $

Total amount, $

I, the above named , do hereby declare that the above statement is in all respects just and true, and that the sum of $ is the full value to the best of my judgment and belief of the real, personal estate and income for which I (or the estate of the person he represents) am liable to be taxed for the year ending thirty-first December, 19. . . . .

(Signature of Ratepayer).

Assessors not to be bound by Schedule

47. No statement in any such schedule shall bind the Assessors or prevent them from making due inquiry to ascertain its correctness, and notwithstanding the schedule, the Assessors may assess such

person for such amount of real or personal estate or income, as they believe to be just and correct, or they may omit his name or any property which he claims to own or be in receipt of, if they have reason to believe that he is not entitled to be placed on the roll or to be assessed for such property.

Liability for false Statement

48. In case any person knowingly states anything false in such schedule, such person shall, on complaint of any Assessor be liable to a penalty not exceeding twenty dollars, to be recoverable on summary conviction.

Assessors duties of, in regard particulars in Asst. Book

49. The Assessors shall set down in such Assessment Book, according to the best information to be had and as far as they can ascertain the same, the names alphabetically arranged and additions of all persons, partnerships, corporations, and joint stock companies liable to be rated in respect of real estate and for poll tax, and when required in respect of personal property and income, setting forth opposite each such name as regards real estate, a general description or designation thereof, such as "dwelling house and premises," "shop and premises," "vacant lot," "acres common," with special reference to the town lot, water lot or common lot where such real estate is situate, and the cash value of such real estate. As regards personal property, a general description thereof, such as "general merchandize," "household furniture," "plant and stock in trade," and in what ward and block the same then is, with the cash value thereof. As regards income tax, the amount of the net yearly income, salary, or receipts of such person (corporations or joint stock company not being liable thereto,) and as regards poll tax, the amount thereof.

Assessors' returns

50. The Assessors shall, within ninety days after their appointment, make return to the City Council of such Assessment Book, with their valuations therein, after having finally revised and correct-

ed the same, upon which assessment book, with the valuations therein contained, all rates and assessments upon real estate, personal property, and income and polls, shall be made and levied for the year in which such assessment book was so returned, and for the two following years.

Assessors returns

51. The assessors shall in the second and third years after their appointment when required by said City Council send in and make similar returns as heretofore required of them of the values of all real estate omitted by them in their previous returns, or which has been materially increased in value by reason of the erection of a new building or buildings or any new addition, or which has changed ownership or occupancy in the meantime; also the value of all personal property so omitted as aforesaid, or which has since their last returns come into the City or which has changed ownership in the meantime; also of all persons liable to income tax (with the amount of such income) and of all persons liable to poll tax who have been so omitted as aforesaid, or who have become liable to be assessed therefor since the last returns of said assessors, and such returns shall be by them added to and written in the said assessment book so returned to the said Council, as aforesaid.

May correct errors in Assessment

52. If in any assessment as aforesaid, it shall happen that property belonging to one person shall be assessed against another person, or if the name of any person liable to be assessed shall have been omitted on the assessment book, or if any error shall occur in the addition, extension or apportionment of any such assessment, it shall be lawful for the assessors to correct such errors and supply such omissions at any time.

REAL ESTATE—DEFINITION OF.

Real estate defined

53. Real Estate assessed under this Act shall be sufficiently described and identified if designated as aforesaid, without giving courses, metes and bounds

and no further or other description shall be necessary, and shall mean and include land and all buildings or other things erected thereon, or belonging or affixed thereto, and shall be rated at its full cash value. Real estate situate within, but owned out of the city, shall be liable to assessment the same as real estate owned in the city. Real estate, whether of residents or non-residents, shall be rated to or against the person who is the owner or apparent owner at the time the assessors make their assessment. All pipes and other properties of gas and other companies which have been heretofore and which shall hereafter be fixed in or under the streets of the said City, and all poles, wire and other property and appliances of any electric light, electric power, telegraph or telephone company placed in, upon or above the streets of the said City shall for the purposes of this Act be deemed real estate. Provided however that it is hereby expressly declared that nothing herein contained shall in any way affect or be construed to affect any exemption or privilege already granted by the Legislature of the Province to any of the said companies mentioned in this section.

Mortgager deemed owner

54. The mortgagor shall be deemed the owner, unless the mortgagee is in possession, in which latter case the mortgagee shall be deemed the owner.

Undivided Estate, how assessed

55. The undivided real estate of a deceased person may be assessed to his heirs or devisees, without designating them by name, or may be assessed in general terms to the estate of the deceased, or in case the interests are known, may be assessed to the owners of such interests respectively, and except in the last mentioned case, each person interested shall be liable for the whole of the amount assessed against the estate.

Asst. how levied when names of all owners not known

56. Where there exist individual interests in real estate (other than in the preceding section mentioned) and the assessors cannot obtain the names

and estates of the different owners, the whole estate may be assessed in the name or names of the owners known to the assessors, or appearing last on the registry of deeds, but under such description as to persons and property as shall be sufficient to distinguish between such assessment and that upon the same person or persons assessed in respect of his or their other property, and as shall be sufficient to indicate the property so assessed.

Trust estates

57. Real Estate held in trust shall be rated in the name of the trustee or *c'estui qui* trust, and the real estate held as the separate property of married women, shall be rated in the name of the husband, unless she is living separate and apart from her husband,in which case it shall be rated in her own name, and, the real estate, where the assessors cannot obtain the name of any of the owners, shall be rated in the name of the occupier or person having ostensible control, but under such description as to person and property, in the cases herein referred to (except in that of the separate property of a married woman) as shall be sufficient to indicate the property assessed.

Estates of Infants how assessed

58. Real Estate belonging to an infant shall be assessed in either in his or her own name, or in that of the parent or guardian, or the person ostensibly exercising control over it, and under such description as shall indicate the property and capacity of the person assessed, but no sale of such property for any default in payment of rates shall be made, unless upon the order of a Judge of the Supreme Court first had.

Estates of Corporation, how assessed

59. Real Estate belonging to a corporation or any joint stock company, shall be assessed in the name of the corporation, or of the president, manager or agent thereof, but under such description as shall be sufficient to distinguish between the assessments made upon the president, manager or agent thereof as

such, and that made upon him in respect of property held in his own right. Assessment made upon a corporation under this section, shall be payable by and recoverable from the president, manager or agent, for the time being, notwithstanding that the assessment may have been made in the name of the former president, manager or agent, or may be recoverable out of the property of the corporation.

Landlord and tenant

60. And with respect to leases or tenancies existing before the 28th day of April, A. D. 1880, it is enacted that in case the landlord should, at any time during the existence of any such existing lease or tenancy, be assessed for the premises so leased, and shall pay such assessment, it shall be lawful for such landlord to add any such assessment paid by him to the existing rent, and the tenant shall be liable to pay such landlord such assessment in addition to his existing rent, and in case there is more than one tenant of the premises for which the landlord has paid assessment, then each tenant shall be liable to pay to the landlord such proportion of the assessment as his rent bears to the rent of the whole building or property assessed, provided that this clause shall not extend to leases or tenancies where the landlord has covenanted to pay city taxes.

Rights of Landlord and Tenant

61. Any assessment with which any real estate, within the said city, may be legally assessed, may be exacted and recovered either from the owner of the real property so assessed, or from any person occupying the same or any part thereof, either as a tenant or otherwise, and when such assessment shall be paid by any tenant not bound to make such payment by the lease or agreement under which he occupies such real estate, such tenant shall have the right to deduct the sum so paid by him, in respect of the enjoyment or occupation of the real estate so assessed: provided always that a judgment obtained, or execution issued against either party, proprietor or

tenant, shall not hinder proceedings against the other party for payment of the said assessment, if the same cannot be had or obtained from the party first proceeded against.

PERSONAL PROPERTY.

Personal Property Construction

62. The term "personal property," whenever mentioned in this Act, shall be construed to embrace and include all moveable personal property of every nature upon which duty has been paid or unpaid, and whether in bond or out of bond, and all property ordinarily included in that term, excepting money belonging to or in possession of the rate-payer, or which may be due to him, and all moneys which have been heretofore loaned, or which may be hereafter advanced on real estate within the City of Charlottetown, or in any part of this Province, for which mortgage or other securities have been or may be taken.

Taxes to be a lien

63. The personal property of all persons assessed shall be liable to the full amounts of rates due, and the same shall be a lien thereon during the year for which the taxes are assessed, notwithstanding any assignment, chattel mortgage, bill of sale or other conveyance of such property, or of any judgment entered against the owners thereof, or any execution, warrant, attachment or other legal process issued to bind the property.

Taxes to take precedence to mortages etc

64. No personal property of any person, firm or corporation shall be liable to be taken by virtue of any conveyance or mortgage, or under any attachment, warrant or other legal process, unless the party who holds the conveyance or mortgage, or at whose suit the execution or other process issued out shall before taking into possession the property or removing any goods, pay all taxes levied thereon for the then current year, and the sheriff or his deputy or other officer is required to levy and pay to the City

Collector such rates or assessment, and the assignee, mortgagee, judgment creditor or other person who takes the property of any debtor or party, if he do not pay such rates or taxes within two days after taking possession shall be liable to an action for the amount in the name of the City of Charlottetown, and any personal property so taken may be distrained upon by the City Collector for such rates, taxes and costs.

Lien to take effect from date of assessors return

65. The lien mentioned in this Act on all personal property shall attach and operate on the same from the date of the return of the assessors' valuation thereon.

Who deemed to be owner

66. The person in possession of personal property at the time of the valuation of the same, shall be deemed the owner of such property in case the real owner has not been assessed therefor, and the property shall be liable for the rates and taxes assessed in his name; provided that no property in transit or awaiting shipment abroad shall be assessed; and provided also, that no property shall be assessed unless its value amounts to two hundred dollars.

Persons liable to tax, though name omitted

67. If any person shall, at any time, open a shop, warehouse, room, office or other place for the sale or exposure for sale, of any goods, wares or merchandize, within the jurisdiction of the City, and from any cause such shop, warehouse, room, office or other place, or any such goods, wares or merchandise have been omitted from or not inserted in the assessment book or additional returns, such person shall, nevertheless, be liable to pay the taxes or assessments for the year in which he shall so open such shop, warehouse, room or office, as aforesaid; provided that if such person shall open such shop, warehouse room or office after the assessment for the year has been made, he shall be liable to pay assessment only for the proportionate part of the year then unexpired; and

Proviso

the assessors shall make a special assessment on such person or persons and their property, and return the same to the City Clerk, and such person may then be notified and proceeded against for the recovery of such assessments, as if he had been duly returned in the assessment book or additional returns.

Personal property of Corporation

68. Personal property belonging to a corporation, or any joint stock company, shall be assessed in the name of the corporation, or of the present manager or agent thereof, but under such description as shall be sufficient to distinguish between the assessments made upon the president, manager or agent as such, and that made upon him in respect of property held in his own right. Assessments made upon a corporation under this section, shall be payable by and recoverable from the president, manager or agent for the time being, notwithstanding that the assessment may have been made in the name of the former president, manager or agent, or may be recoverable out of the property of the corporation.

INCOME.

Income Tax

69. The following persons shall be liable to pay income tax, should the said City Council, in any year determine to levy an income tax, and the incomes upon which such tax or assessment shall be levied, shall be the net income, salaries or receipts of such persons for the Civic Year (namely, from first January to thirty-first December) preceding the levying of such income tax : —

Residents

(1) All residents of the city, carrying on any trade, business, employment, profession or calling, within the Province, or employed in any office, business or trade within city limits.

(2) All residents of the city not engaged in any trade, business, employment, profession or calling, but who are in receipt from any source of any income or salary.

(3) All non-residents carrying on or engaged in any trade, business, employment, profession or calling within the city limits: provided that the following persons shall be exempted from income tax: *(a)* clergymen; *(b)* persons in receipt of a less income or salary than four hundred dollars; *(c)* officials of the Provincial Government; and provided also that no person shall be assessed in respect of income or salary accruing from business carried on by him entirely outside of city limits, or in respect of the rents or receipts of real estate which is itself taxed. Non-residents

70. No such assessment upon income shall exceed one per cent. of the net yearly income, salaries or receipts of the person assessed, and the city shall by by-law, or by-laws to be passed by them, declare and enact the rate at which such income assessment shall be levied and assessed. City to regulate scale of Income Tax

POLL TAX.

71. Every male person of the age of twenty-one years resident in the city, or doing business therein or being employed or living therein for the space of two months shall be rated and assessed in the sum of two dollars annually as a poll tax. Provided always that every such person, should his age exceed sixty years, at the time the notice of assessment hereinafter referred to is served upon him, may claim exemption from the paying of such poll tax on account of his being over age aforesaid, and shall claim such exemption by appealing in manner hereinafter contained. Provided always that in default of such appeal, every such person assessed by the assessor, no matter what his age, shall be held and deemed liable to pay said poll tax. Provided further that the omission of the name of any person from the Assessment Book when returned shall not excuse any such person from payment of Poll Tax who may previous to such return or at any time Poll Tax

thereafter during the then current year, come under the definition of persons who shall be liable for poll tax; and the addition of any such name or names may be made to the Assessment Book at any time or times, and when made all the proceedure applicable to the enforcing payment of poll tax as hereinafter mentioned shall be applicable to such cases.

Tax on Banks

72. Every incorporated or joint stock Bank doing business within the City, including foreign Banks, having an agency or place of business within the City, shall be assessed for the real estate and moveable personal property owned by them in said City, in the same way as other rate-payers are assessed, and shall also, in addition thereto, pay an annual tax, or license fee of fifty dollars each; and the said annual tax or license fee shall be due and payable on the first day of June in every year.

Tax on Insurance Companies

73. Every insurance company or association, accident and guarantee company and plate glass insurance company or association established in the City of Charlottetown, or having any branch office, agent or agencies therein, shall be assessed in respect of the real estate and moveable personal property owned by said company or association in the same way as the other rate-payers of the City of Charlottetown are assessed, and shall in addition thereto pay an annual license fee; every Marine, Fire or Life Insurance Company or Association the sum of fifty dollars each, and every Accident or Guarantee Company twenty-five dollars each, and every Plate Glass Insurance Company or Association the sum of ten dollars each. If the same company or association is engaged in more than one branch of insurance business it shall pay a license fee for each branch of its business, at the rate above mentioned for each. In cases where assurance companies are engaged in winding up their business in the City of Charlottetown, and

Exemption

are issuing no new policies, they shall be exempt from such additional tax or license fee and shall only be assessed on their real and personal property.

Agent of Company personally liable

74. The said annual tax or license fee of every company, association or agency, shall become due and payable on the first day of June in each year, and the agent or manager of any company or association which has not been incorporated by the Legislature of Prince Edward Island, shall be personally liable for the license fee payable by the company or association of which he is agent or manager, and also for the rates and taxes payable in respect of the assessment on its real estate and personal property as if he had been assessed therefor personally, but nothing herein contained shall prevent the City Collector from enforcing the payment of the license fee, rates and taxes due by any company or association in manner hereinafter provided. Provided that every such company, association or agency commencing business after the first day of January and before the first day of June in any year shall be liable to pay, and shall pay forthwith the said annual tax or license fee, and any such company, association or agency commencing business after the first day of June in any year shall be liable to pay and shall pay forthwith the half of said annual tax or license fee for the then current year.

Proviso

Who may sue

75. The annual tax or license fee or the half of said annual tax or license fee, as the case may be, payable by every such incorporated or joint stock Bank, Life, Marine or Fire Insurance Company or Association, Accident and Guarantee Company and Plate Glass Insurance Company or Association may be recovered at the suit of and in the name of the City Collector in the City Court of said City, or other Court of competent jurisdiction. And proceedings for the recovery of any such tax or license fee, shall be taken against any such Bank, Company,

or Association in its corporate name, and any summons issued for the recovery of any such tax or license fee shall and may be served upon the Cashier, Secretary or Agent of such Bank, Company or Association, which service shall be good service as against such Bank, Company or Association.

Taxes on Carriages, horses etc

76. The City Council is hereby authorized by a by-law duly enacted, to levy an assessment upon the owners or keepers of all horses, carriages and sleighs used or kept within the limits of the said City, for pleasure or profit by the citizens of said City, excepting horses, trucks and sleighs owned and used by licensed truckmen.

Assessment, how made

77. The assessment when made, shall be levied, collected, and paid, and the notices given, and returns made as directed—*mutatis mutandis*—by the by-law of the City, relating to dogs, and for the purpose of taxing the same.

Proviso

78. Provided always, that the assessment to be levied and paid on each horse shall not exceed the sum of two dollars, and upon each carriage the sum of one dollar.

Assessment, when due

79. All assessments upon real estate, personal property, income or polls, shall be due and payable within ninety days next following the fourth Wednesday in January in each and every year, save and except all such assessments as shall be levied or assessed after the return by the Assessors of the Assessment Book as hereinbefore provided which said last mentioned assessment shall be due and payable instanter.

Exemption

80. All churches, chapels or places of public worship actually used by any religious body or society for the purpose of Divine Worship, and for no other purpose,—the Prince Edward Island

Hospital (while used as a Hospital) but only the building actually used as a Hospital; the Charlottetown Hospital (while used as a Hospital) but only the building actually used as a Hospital; and also all property vested in the Crown; and also all buildings used as permanent educational establishments, and the lands and premises immediately connected therewith, shall be exempt from any taxation under the authority of this Act.

Power of City Council to grant exemption

81. It shall also be lawful for the City Council to grant exemptions from taxation to any new hotel to be built in the city, and to new industries coming into the city and not in existence at the time an application for exemption is made, for such a period and upon such terms and conditions as the said Council shall determine upon. Provided always, that such applicants for exemptions do advertise, if for a new hotel, the fact that application is made for exemption thereof; or if for a new industry, the particular nature of the industry proposed to be introduced, so that any protest may be entered with the City Clerk against granting the same by parties opposing or already manufacturing or producing similar articles in Charlottetown, and such advertisements shall be published once in each week for four weeks consecutively in two at least of the newspapers published in Charlottetown.

82. No application for such exemption shall be considered by the said Council unless such advertisements have been published as aforesaid.

To regulate taxes Hotels

83 The said Council shall have power and authority by by-law to regulate the mode of applying for, and granting such exemptions and the conditions, restrictions and terms upon which the same shall be granted. Provided always that no new hotel shall be exempted from taxation for a longer period

than fifteen years, and that no proprietor or proprietors of any new industry shall be exempted from taxation for a longer period than five years from the date of commencement.

Discount on Assessments

84. It shall be lawful for the City Council to allow such rate of discount as may be considered expedient, not exceeding two and a-half per cent. on all assessments on real estate, personal property, or income, paid within such time after the completion of the assessment in each year, as the said Council shall fix and determine.

COLLECTION OF TAXES.

City Council to specify rate of assessment

85. Upon the receipt from said Assessors of said Assessment Book the said City Council shall annually specify the rate of Assessment severally to be levied upon real estate and upon income and personal property, or upon either or both income and personal property as the City Council shall determine to tax in that year.

Rate of taxes to be passed by three-fourths vote

86. No By-law or By-laws specifying such rate of assessment shall be passed except at a regular meeting of the Council or an adjournment thereof, or at a meeting specially called for that purpose or at its adjournment, nor unless three fourths of the whole number of City Councillors shall be present and a majority of those present vote in favor of such by-law or by-laws.

Duties of City Clerk

87. After the City Council have specified the rate of assessment severally to be levied as aforesaid, the City Clerk shall copy from such Assessment Book the names of all persons, partnerships, Corporations or Joint Stock companies rated, with the ward and block in which they reside, and after computing the amount payable by each respectively according to the valuations returned by such assessors and the rate

levied by such council shall insert such amount opposite each of the respective names, distinguishing in separate columns between real estate, personal property, income and poll tax rates, and shall indorse upon such list authority to collect and recover such rates and assessments.

Duties of Collector

88. The collector shall immediately after such rates and assessments have become due as aforesaid, demand and collect from every person, partnership, corporation or joint stock company named therein the respective rates for real estate, personal property, income or polls levied against him, them or it, and where a personal service cannot be readily made, shall leave a written or printed notice, form A, containing the amount of such rates, and the time within which the same are to be paid, or appealed from, distinguishing therein the amounts respectively payable on real estate, personal property, income and poll tax, at the last place of abode of such person, with some adult person of his family, if any, and if none, with some adult person there present, or at his place of business with his clerk or agent, and in cases of partnerships with some member of such partnership, or some clerk thereof, at their place of business, and in cases of corporations or joint stock companies with the president, manager, cashier or other officer of such corporation or joint stock company, at its place of business, and such collector shall at the time of such service, enter the date and manner of such service on the counterpart or duplicate original of such notice, and such entry shall in all cases be *prima facie* evidence of such service and of a legal demand of payment of such rates.

Evidence of legal demand

Collection of City taxes

89. In all cases of non-payment of all or any of such rates, taxes or assessments, ten days after the service aforesaid, either personally or otherwise, as aforesaid, the City Collector shall apply to the Judge of the City Court, who, upon oath being made

by the Collector, that the aforesaid notice has been duly served or left as aforesaid, and that all or certain of the rates, taxes or assessments have not been paid or appealed from, shall issue execution in form B, against the person or persons, partnership, corporation or joint stock company, so defaulting as aforesaid, for the recovery of his or their unpaid rate, tax or assessment, with the costs of such oath and execution, in the same manner as if judgment had been recovered therefor, before him sitting as such Judge of the City Court for the City of Charlottetown, and no other summons or notice shall be necessary previous to the issue of such execution.

Execution

90. Where any ratepayer, resident or non-resident fails to pay, within the time prescribed, the assessment levied on any real property, whether proceedings have been taken against such ratepayer or not, the collector shall forthwith publish in one or more newspapers published in Charlottetown, for thirty days, a list containing the names of all such defaulters and the amount due from them respectively, with a statement of the number of the town lot, water lot, or common lot, upon which or any part thereof such assessment is in default, but without any further description of the property.

List of defaulters to be published

91. Provided that in case any ratepayer so advertised, desires at any time during such thirty days to pay his rates, he may do so, provided he pays at the same time a fair proportion of the expenses of advertising incurred up to the time of such payment, and on such payment his name shall be withdrawn from such advertisement.

Defaulter may pay within 30 days

92. The collector at the end of such thirty days' publication shall make one general application to the Judge of the City Court of the City of Charlottetown, setting forth under oath, the said publication and annexing a copy of the same, and

In case of judgment one general application to be made

shall pray judgment against each and all of the lands so advertised for the respective amounts so levied against them, and for non-payment of which they have been so advertised, and costs, and the said judge shall order judgment to be entered against each and all of such lands in his Court.

Judge to issue special warrant to sell lands

93. The said judge is hereby empowered after such judgment whenever application is made to him by such collector, to issue a special warrant under his hand and seal, form C, against any lands against which such judgment has been given, stating therein the name of the person against whom the same has been assessed to the Sheriff of Queen's County, directing him to sell at public auction, to the highest bidder, such portion of said lands as the Sheriff may deem sufficient to pay such assessment, and all expenses; and such Sheriff shall advertise such lands so to be sold, by metes and bounds, in the *Royal Gazette*, and one other newspaper published in Charlottetown for thirty days, and shall sell such land so advertised, to the highest bidder, and after such sale shall execute to the purchaser thereof a deed in fee simple of such lands, in form D, as near as the circumstances of the case will admit of.

Advertised in *Royal Gazette*

Deed in fee simple

Surplus— how disposed of

94. In case any surplus shall remain in the Sheriff's hands, from the sale of any such lands, after paying the rates, assessments and costs, incident to the advertising and sale thereof, he shall pay the same to the Prothonotary of the Supreme Court to the credit of the person against whose name such lands were assessed, and the owner of such lands, whoever he may be, may at any time on applying to a Judge of the Supreme Court, and on proof of his right thereto obtain an order for the payment to him of such money.

Deed absolute

95. Such deed from the Sheriff shall, when executed and registered, vest in the purchaser thereof

Owner may redeem within 2 years

an absolute title in fee simple to the lands sold and conveyed, subject however to the owner's right to redeem the same upon payment or tender to the purchaser within two years from the registry of the deed of the purchase money so paid by him, together with interest at six per cent.

42 Vic. Cap 15 not to apply

96. The provisions of the Act Forty-second Victoria, Chapter fifteen, shall not be construed as applying to any execution or proceeding issued out of or in any Court for the enforcement of payment of rates, taxes, or assessments levied by the said Council under this or any previous or other Act of this Province, and such executions shall in all cases be in form B, to this Act appended, or as nearly as may be, according to the circumstances of the case; and the City Collector, or any Police officer or other Constable may execute such execution in any part of Queen's County.

Constables

APPEAL FROM ASSESSMENT.

Appeal

97. There shall be an appeal from all valuations of said Assessors, and from all assessments or rates imposed by the City Council, which appeal shall be and be made to the Stipendiary Magistrate of the City of Charlottetown.

Notice to be given in writing

98. Every person, partnership, corporation or joint stock company desirous of appealing from such valuation, assessment or rate as aforesaid, shall, within ten days from the service of the notice of assessment upon him or them, as aforesaid, signify such his or their desire in writing, and file or leave the same in the office of the City Clerk, who shall immediately endorse thereon the date of the receipt thereof, and shall thereupon transmit the same to the Stipendiary Magistrate.

What notice shall state

99. Such notice of appeal shall state the particular valuation or assessment appealed from, and whether on real estate, personal property, income or poll tax, and the grounds of objection to such valuation assessment or tax.

Powers of Magistrate at hearing

100. The said magistrate shall have at the times and places to be fixed by him and duly advertised or other due notice given for such time and in such manner as he shall determine, hear all objections of rate-payers who shall have duly appealed from the valuations, rates or assessments which have been made upon such rate-payers and their properties.

And as to giving judgment

101. The said Stipendiary Magistrate shall have full power to hear all evidence produced, either on the part of the Collector or party appealing, and adjudicate upon and determine every such appeal, and to give final judgment in form E, either confirming or reducing the amount of such tax or by allowing the appeal absolutely; and shall also have full power to award costs in any case, either against the collector, or against the party appellant as he shall determine.

Appeal to the Supreme Court

102. Every judgment given by the Stipendiary Magistrate on any such appeal shall, subject to appeal to the Supreme Court, be final and conclusive, and execution may issue for the recovery thereof,—such execution to be in form B.

General assessment not to be effected by error, irregularity &c.

103. No error, informality or irregularity in the valuation, assessing, demand, collecting, or enforcing of any tax or taxes shall affect the validity of any general assessment or of any individual rate or assessment. And if no appeal be taken from any such rate or assessment it shall be deemed absolute and good and valid in every respect, and no objection shall or may be taken or had thereto in any Court of law or equity or to any execution issued to enforce payment thereof, provided it appear that notice of such tax was duly served in manner prescribed by this Act.

COUNCIL MEETINGS.

Council Meetings, when and how held.

104. There shall be in each year, twelve monthly meetings of the said Council, which shall be held on the second Monday in each month, in each and every year, and the said meetings shall not, at any one time, be held for a longer period than three successive days, in which Sundays, Ash Wednesday, Good Friday, Christmas and the First of July, shall not be included.

105. In all meetings of the said Council, the majority of the members present at such meetings shall determine all questions and matters submitted to, or under the consideration of the said Council; provided that the number present at the said meetings be not less than five Councillors, and at all such meetings the Mayor of the said City shall preside; or in case of his absence such Councillor as the members of the Council so assembled shall choose to be Chairman thereof, and in case of an equality of votes, the Mayor or Chairman presiding shall have a casting vote.

Mayor may call special meetings

106. It shall be lawful for the Mayor of the said City to call a special meeting of the said Council when and as often as he may deem it proper, after three days' previous notice thereof; and in case the said Mayor shall refuse to call any such meeting after a requisition for that purpose signed by three or more members of the said Council, it shall be lawful for such three or more members to call a meeting of the said Council after three days' previous notice, which notice shall specify the business for which the proposed meeting is to be held, and shall be signed by the members; and in all cases of such special meetings as aforesaid, a summons to attend the Council, specifying the business to be transacted at such meetings, and signed by the City Clerk, shall be left at the usual place of abode of every member of the said Council, at least three days before such meetings.

Proviso, in case Mayor refuses to act

107. In case of any emergency, it shall be lawful for the Mayor, or the presiding Councillor in the absence of the Mayor, to call a meeting of the City Council, at such time as he may direct, without giving three days' notice as prescribed in the above Section. Proviso in case of Mayor's absence

108. The minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the Mayor or Councillor presiding at such meetings; and the said minutes shall be open to the inspection of all persons qualified to vote at the election of Councillors, and the said meetings shall be held with open doors. Minutes of Council

GENERAL ADMINISTRATION.

109. The said City Council shall have the exclusive power to open, lay out, grade, regulate, repair, amend, and clean the streets and alleys of the said City, and of putting drains and sewers therein, and to prevent the encumbering of the same in any manner, and to protect the same from encroachment and injury by such bye-laws and ordinances as they may from time to time pass; and for making, levelling, grading, flagging, paving, macadamizing, raising, repairing, lighting, watching, planting and cleaning any of the said streets, squares, lanes, walks, sidewalks, crossings, roads, bridges, wharfs, docks, slips, sewers and shore now laid out and erected, or being or hereafter to be laid out and erected within the limits of the City; and for that purpose shall have power to temporarily close any such street, lane or sidewalk, and to regulate or prevent the incumbering, injuring or fouling of the same by any animals, vehicles, vessels, craft, lumber, buildings, or other materials or things, or in any way whatsoever to regulate the breaking of the roads and streets of the said City in the winter, and to require the owners of horses, sleds and other teams to assist thereat, for directing and requiring the Powers of City Council

removal at any time of any door-steps, porches, railing, signs or other erections, projections or obstructions whatsoever, which may project into or over any sidewalk, public street, square or road, at the expense of the proprietors or occupants of the real property in or near which such projections or obstructions may be found; for assessing the proprietors of any real property immediately benefitted by such improvements for such sum or sums as may at any time be necessary to defray the expense of making or repairing any common sewer, drain, flagging, posts or pavements of stone, deal or plank, in any public street, square or place; and for regulating the time and manner in which such assessment shall be collected and paid: Provided that nothing herein contained shall be constructed to extend to authorize the opening of any roads and highways through the private property of any person or persons without complying with the provisions of any Act or Acts then in force, providing for the awarding of damages to any person or persons who may be injured thereby.

40 feet minimum width of street

110. No proprietor, possessor, occupant, agent or other person owning or having in charge any land within the City or the common thereof, shall open or lay out any new street or road over or on the property so owned, possessed, occupied or had in charge of a less width than forty feet.

City Council to appoint committees

111. It shall be lawful for the said Council to appoint from and out of the members composing such Council, such and so many committees, consisting of such number of persons as they may think fit, for the better transaction of the business before such Council, and for the discharge of such duties within the scope of their powers as may by the said Council be prescribed; but subject in all things to the approval, authority and control of the said Council.

Scope of their powers

112. It shall be lawful for the said Council of the said City, at a meeting or meetings

thereof, composed of not less than five Councillors, as aforesaid, to make such By-laws as to them shall seem meet for the good rule, peace, welfare and government of the said City, and to impose by such By-laws such fines, not exceeding ninety dollars, and such imprisonment not exceeding ninety days, with or without hard labor, as they may deem proper for enforcing the same; and from time to time with and subject to the same limitations with respect to penalties, to make, ordain, enact, revise, amend, administer and enforce such By-laws as they may deem proper, which for greater certainty,—but not so as to restrict the generality of the foregoing terms of this section are declared to be for the purposes following: Power to make By-laws

(1) To establish and maintain a good and efficient system of Police in the said City. Police

(2) To supress houses of ill-fame and to empower the Police Constables of said City to enter by day or by night into houses where it is known or suspected that females are kept or harbored for the purposes of prostitution, and to arrest all such females when found therein. Houses of ill-fame

(3) To regulate and manage the Market or Markets, and to establish and regulate Market days and Fairs; to regulate the place and manner of selling and weighing butchers' meat, hay, straw, fodder, wood, lumber and fish; to restrain and regulate the purchase and manner of selling of all meat by the carcass, by the quarter or cut up; all vegetables, fruit, country produce, poultry, and all other articles and things, or animals exposed for sale, or marketed in the open air in said City, and to impose such Tolls or License To regulate the market

fee upon the vendors thereof as the Council shall see fit; to restrain and regulate the purchase of any such things by hucksters and runners, living within the City; to regulate all the vehicles, vessels and other things in which anything may be exposed for sale or marketed in any street or public place; to seize and destroy all tainted and unwholesome meat, poultry, fish or articles of food.

Rent of wharfs etc

(4) To regulate and provide for the erection and rent of wharfs, piers, quays and docks in the said City, and the tolls or wharfage to be paid for vessels or steamboats touching thereat; and to prevent the filling up or encumbering the Hillsborough River or Harbor of Charlottetown, opposite the said City, or impeding the free navigation thereof: Provided always that nothing herein contained shall be held or construed to authorize or empower the said City Council to take possession of, grant sell, transfer, or alienate any part or portions of the shores or strand of the river bounding the said City and extending to low water mark.

Size of bread

(5) To regulate the size of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate carters, wagoners, cartmen and truckmen,—the price to be paid for hauling loads in the said City, and the quantity comprising a load.

Observance o Sabbath

(6) To enforce the due observation of the Sabbath; to prevent vice, immorality and indecency in the streets or public places within the City; and to punish persons guilty of abusive and insulting language in the streets or public places within the City; to regulate and license

the sale of goods, wares or merchandise, either by samples or otherwise, by public auction or by private contract in the said City by commercial travellers or agents.

(7) To preserve peace, health, and good order and to prevent the spreading of infectious or other diseases; to prevent the spitting or expectoration on the streets, public places and public buildings; to prevent the excessive beating or cruel and inhuman treatment of animals; to license, regulate or prevent billiard tables, bowling-alleys or other places of amusement; to restrain or suppress gambling houses, and to enter into them, and to seize and destroy rouge-et-noir and roulette tables and other devices for gambling; to restrain and punish all vagrants, drunkards, mendicants and street beggars; to restrain or regulate the licensing of all exhibitions of natural or artificial curiosities, theatres, circuses or other shows or exhibitions for hire or profit, and preserve order and quiet thereat.

Infectious diseases

Cruelty to animals

Gambling, etc

(8) To establish and regulate one or more pounds, and the fees to be taken thereat; and to regulate and restrain the running at large of horses, cattle, swine, goats, sheep, dogs, geese, poultry, and to impound the same; to impose a tax on the owners or harborers of dogs; to regulate and prevent dogs running at large and to kill such as are found running at large contrary to any law or By-law; to abate and cause to be removed all public nuisances and all filth or incumbrances in the said City; to regulate the construction of privy-vaults and sinks on private property; to cause vacant lots within the City to be properly enclosed, at the

Regulation of Pounds

Tax on dogs

Abatement of nuisances

cost and expense of the owners, and to recover said expenses with costs in a summary manner; to prevent shouting and other unusual noises in the streets and public places; to prevent the injuring or destroying of trees planted within any of the streets or public grounds of the said City; to prevent immoderate riding or driving; to prevent or regulate bathing in the Hillsborough, or any public waters in or near the City.

Regulation of livery stables

(9) To regulate and license the owners of livery stables or other owners of horses or carriages, letting out the same for hire or profit, carters, truckmen and also porters, butchers, or hucksters.

Regulation of slaughter houses, etc.

(10) To prevent or regulate the erection or continuance of slaughter-houses, tanneries, breweries and distilleries, or other manufactories or trades, within the City of Charlottetown, which may prove nuisances.

Public reservoirs, etc.

(11) To establish, erect, preserve and regulate public cisterns, reservoirs, or other conveniences for the supply of good and wholesome water, or for the extinguishing of fires, and to make reasonable charge for the use thereof; and to prevent the waste and fouling of public fountains, pumps and wells.

Firing of guns, etc.

(12) To prevent or regulate the firing of guns or other fire-arms; to prevent or regulate the firing or setting off of fire-balls, squibs, crackers or other fireworks; to prevent or regulate the keeping or transporting of gun-powder, or other explosive combustible, or dangerous materials; to regulate the carrying on of manufacturies or

trades dangerous in causing or promoting fire ; and to regulate and require the safe keeping of ashes in proper deposits ; to make such By-laws as they may deem requisite for the security, safety and advantage of the inhabitants—containing rules, and regulations, and restrictions, to be observed by all persons in the erection of buildings, to be built within the populous parts of the said City ; to regulate the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing in any house, manufactory or business which may be dangerous in causing or promoting fire ; to enforce the proper cleaning or sweeping of chimneys ; to require the inhabitants of the said city to provide so many fire-buckets, and to regulate the examination of them, and the use of them at fires ; to regulate the conduct and enforce the assistance of the inhabitants at fires and the preservation of property thereat ; to make regulation for the suppression of fires, and the pulling down or demolishing of ajacent houses, and remunerating the owners thereof ; to compel the owners of houses to have ladders leading to, and on the roofs of such houses, to purchase fire engines, and to establish and regulate fire, hook, ladder, salvage and property-saving companies and to appoint from time to time a Board of Engineers, and to enact rules and regulations prescribing the duty of such Engineers ; which Board of Engineers or Fire Department of the City of Charlottetown shall have power, after the burning of any building or part of a building within the city to hold an investigation as to the cause of such burning, and to summon before them and examine under oath, all persons who in their opinion, it may be

Safe keeping of ashes

Erection of buildings, etc.

Fires

Fire Department to hold investigation

advisable to examine, and such persons may be sworn by the Chief Engineer, and the result of such enquiry shall in each such case be transmitted to the Stipendiary Magistrate.

Security of public property

(13) To regulate the management and provide for the security of the public property of the said City of every kind ; and to provide for the permanent improvement of the said City, in all matters as well ornamental as useful.

Duties of officers

(14) To regulate and prescribe the duties of all officers acting under the authority of the City Council, and the penalties on their default of duty.

Lighting city

(15) To provide for defraying out of the funds of the said City, if necessary, the expense of lighting the same or any part thereof with gas, electricity, oil or other substances, and the performing of any kind of work required for the purpose of supplying the said City with light, and for obliging the proprietors or occupiers of real property to allow such work done, and fixtures placed in or about their premises that may be necessary, such work and fixtures to be done at the expense of the City, and for the erection of all works, connected therewith, or necessary to provide light for the inhabitants of the said City ; to provide for the erection, preservation and security of lamp-posts, sign-boards and other fixtures, and generally to make all such laws as may be necessary and proper for carrying into execution the powers herein or hereinafter vested in the said City Council, or any department of office therein, subject to the limitation with regard to penalties, contained and prescribed in and by this Act.

(16) To provide for the inspecting and regulating of electrical generators and motors and of all overhead, under ground and interior wires and apparatus for conducting electrical current for heat, light, power or other purposes; and for prescribing the appliances, devices and conditions deemed necessary for the safety of operatives and of the public; for forbidding the use of materials or methods for insulation and conducting injurious to safety; for prescribing methods and appliances for insulating wires and conductors and cutting off electrical currents and such regulations generally respecting electricity and electrical appliances as shall be deemed necessary for the safety of persons and property and for enforcing any and all such regulations; for appointing one or more electrical inspectors who shall have the right to enter upon the premises of persons, firms or corporations at all reasonable times and for causing the removal of unsafe or dangerous electrical appliances.

Inspection and regulation of electrical apparatus

(17) To provide for the examination and inspection of cows, cow byres, dairies, milk rooms, and other places, receptables and vessels in which milk is placed or kept by licensed milk venders, and other persons from whom milk is purchased to be sold in the City, and of all other persons by whom milk is kept for sale or by whom milk is sold in the City, and appoint such officers as they may deem necessary for the purpose of fully carrying into effect the objects of this provision.

Inspection of cows and milk

(18) To restrain, regulate and license any person, not being a resident or rate-payer of the said City, who shall use any art, trade, mystery,

Regulation and licensing of non-residents engaging in business, etc,

or occupation, or carry on or engage in any professional or mercantile or other business or employment (excepting commercial travellers) in the said City of Charlottetown, and to impose by such By-laws, such fines and such imprisonments with or without hard labor as the Council may deem proper for enforcing the same.

Definition of "Commercial Traveller"

The term "Commercial Traveller," mentioned in the preceding sub-section, shall be construed to mean a person who offers for sale, sells or takes orders for any kind or description of goods, wares or merchandise either by sample or other wise to or from any person, firm or incorporated company when such person, firm or incorporated company buys or gives orders for such goods, wares or merchandise with the intention of selling the same again to some other person or persons.

Tax on non-resident contractors

(19) It is hereby enacted that the City Council of Charlottetown shall have power to pass By-laws, imposing a tax on contractors resident outside this Province doing business within the City of Charlottetown.

City Accounts to be published

113. The said City Council, after the accounts of the said City and Corporation shall be checked, audited, discussed and approved by the said Council, shall cause the same to be published in detail, countersigned by the Mayor and City Clerk in such way and manner as shall appear the best adapted to make generally known the said accounts.

114. In case of riot, tumult or disturbance, or illegal acts of any kind, accompanied with

force or violence, or a just apprehension thereof, in the City of Charlottetown, the Mayor or presiding Councillor may, by writing under his hand, appoint any number of Special Constables who shall be duly sworn to the faithful discharge of their duties, to assist in preserving peace and order, and such Special Constables shall be under the direction of the Mayor or the presiding Councillor. Special constables in case of riot, etc

115. The appointment of such Special Constables shall continue in force for a period of seven days, unless sooner revoked by the Mayor or presiding Councillor. Appointment for seven days

116. Any Special Constable appointed as aforesaid, who having been duly notified, shall neglect or refuse to be sworn into office, shall be liable to a penalty not exceeding sixteen dollars. Constable refusing liable for $16.00

117. Any person who shall by force resist any Constable or Special Constable in the execution of his duty shall be liable to a similar penalty to be recovered on conviction, before the Stipendiary Magistrate, and on non-payment, the offender shall be imprisoned for a period not exceeding thirty days. Resisting constable, fine $16.00

118. The school year of the public schools in the City of Charlottetown shall be the same as the civic year, commencing the first day of January and ending on the 31st day of December in every year, and the Board of School Trustees, shall yearly in the month of January make and send into the City Council an estimate of the sum which may be needed for the year beginning the first day of January and School year same as civic year

ending the thirty-first day of December in every year, but such yearly estimate not to exceed the limit fixed by Statute.

MARKET PLACE.

Lands for market place

119. The land and premises vested in the City of Charlottetown by virtue of the Acts of this Province, 23rd, Victoria, Chapter 26, and 35 and 36 Victoria, Chapter 25, shall be, and are hereby declared to be vested in the City of Charlottetown, and shall and may be held by the said City of Charlottetown and its assigns forever, as and for a site for a Public Market House for the sale and exhibition of butcher's meat, and such other articles and commodities as shall be permitted under such By-laws or rules and regulations as shall from time to time be prescribed by the Mayor and Council of the said City : Provided always that no part of the said ground hereby declared to be vested in the said City Corporation shall be enclosed to the exclusion of the public or be appropriated for the purpose of any edifice, building, shed, or erection of any nature or kind whatsoever, of a permanent description other than the said Market House, and a building to be used as a Scale House; but this proviso shall not prohibit the placing thereon, with the consent or authority of the City Corporation, of any booth, tent, or other structure intended for, and to be used for any purpose of public utility or for purposes of public entertainment or amusement, and retained thereon for a less period of time than 30 days.

PARK AND ROADWAY.

120. The land hereinafter described in Sub-sections (a), (b), and (c), and vested in the City of Charlottetown by virtue of the Acts of this Province, 51 Victoria, Chapter 12, 59 Victoria, Chapter 18, and 2 Edward VII, Chapter 18, respectively, shall be and are hereby declared to be vested in the City of Charlottetown, to hold to the said City forever, to and for the use and benefit of all of His Majesty's subjects for the purposes hereinafter declared : Certain lands vested in City

(a) All that parcel of land described as follows, that is to say : Commencing at the eastern shore of York River, at the Brighton Road ; thence following the course of the said road eastwardly for the distance of twenty chains ; thence by a right angle line therewith running southwardly thirteen chains, and sixty links, or until it meets the road leading from Government House to the shore ; thence following the course of the same southwestwardly about nine chains ; thence southwardly to said shore ; thence following the various courses of the said shore westwardly and northwardly to the place of commencement, containing forty acres, a little more or less, as the same is particularly delineated on the plan, dated the second day of June, 1873, and made and signed by John Ball, Land Surveyor, witnessed by D. O'M Reddin, and recorded in the office of the Registrar of Deeds for the said Island ; and also the land and shore fronting on the above described land and bounding the same on the south, southwest and west, shall up to the channel of the Hillsborough River, save and except as the same may be owned by any person Description of land

or persons having a legal right thereto be, and the same is hereby vested in the said City: Provided always that the said City of Charlottetown shall have no power, right or authority, to build or make any wharfs, buildings, or other erections or constructions of any kind whatsoever, to be used for any commercial or business purposes, other than those for which, or incidental to which, the said lands are by this Act vested in the said City, in front of, adjoining, or contigious to said land or any parts thereof.

(b) The strip of land hereinafter described along the front of Government House property being all the land to the southward of the line described as follows: "Commencing at a point in the northern extension of the western side line of a stone dwelling house owned by James Beales, situated on the southern side of Kent Street and the eastern side of West Street, the said point being thirty-three feet four inches (33 feet 4 inches) from the angle of the lowest stone in the base of the building, and taking a bearing to southern edge of the tower in the City Building, situated on the said Kent Street, showing a course of north sixty degrees fifty minutes (60°50′) east by the magnet of the year One Thousand Seven Hundred and Sixty-four (1764); thence running westwardly on the course south fifty-eight degrees, two minutes (58°2′) west by the said magnet of One Thousand Seven Hundred and Sixty-four (1764) for the distance of three hundred and ninety-seven feet six inches (397 feet 6 inches); thence south 56 degrees, twenty-three minutes, (56° 23′), west three hundred and fifty-seven feet two inches (357 feet 2 inches); thence south fifty-six degrees, forty-four minutes (56°44′),

Description of land

west two hundred and fourteen feet eight and one-quarter inches (214 feet 8¼ inches); thence south forty-six degrees, thirty-eight minutes (46° 38′), west three hundred and forty-four feet nine inches, (344 feet 9 inches); thence south thirty-eight degrees fifty-three minutes (38° 53′), west one hundred and seventy-one feet seven and one-half inches (171 feet 7½ inches); thence south thirty-four degrees, forty-one minutes (34° 41′), west two hundred and seventy-four feet five inches (274 feet 5 inches) to the eastern boundary of Victoria Park."

Filing of Plan

For the sake of greater certainty the said line hereinbefore described is laid down upon a plan dated the Seventeenth day of April, one thousand eight hundred and ninety-six, signed by W. E. Dawson, Mayor of the City of Charlottetown, and by the Speaker of this House, and which plan for its protection shall be filed with the Registrar of Deeds at Charlottetown, who is hereby authorized and commanded to receive and keep the same as of record.

Description of land

(c) The lands and Pond bounded and described as follows: Commencing at a square stake fixed in the south side of Brighton Road, at a distance of two hundred and nineteen feet and nine inches by a straight line westerly from the centre of the new stone bridge at the west end of Euston Street; thence from said square stake south eight degrees thirty minutes west by the magnetic meridian of the year 1764, a distance of three hundred and seventy-seven feet nine inches; thence south seventeen degrees west for a distance of three hundred and sixty-three feet; thence south nine degrees east for a

distance of two hundred and fifty-three feet to the north boundary line of the Park Roadway; thence north fifty-six degrees east along said boundary line for the distance of one hundred and sixty-seven feet nine inches to an iron stake, being the eastern termination of said boundary line; thence from the said iron stake north-easterly along the eastern boundary of Governor's Pond to the centre of the above mentioned stone bridge; thence to the place of commencement as the same are set forth and particularly delineated on the plan dated the seventh day of April, A. D. 1902, signed by His Worship James Warburton, Mayor of the City, and by His Honor Samuel Reid, the Speaker of the Legislative Assembly, and filed with the Registrar of Deeds at Charlottetown.

For a Park, etc

121. The said lands shall be used, appropriated and set apart by the said City, at the expense of the said City, for the sole purposes of a park, promenade, pleasure ground and place of recreation and carriage or roadway for the use of the citizens, the inhabitants of this Island, and all His Majesty's subjects.

Not to be used for circuses, etc

122. The said City shall not on any account whatsoever, use or permit to be used, the said lands for the purposes of circuses, shows or exhibitions of any kind whatsoever.

Power to make by-laws, etc

123. The City Council of the City of Charlottetown shall have power to make rules, regulations and by-laws for the management and regulation of the said park, promenade and roadway, and to impose fines and penalties not exceeding twenty dollars, on persons infringing such rules and regulations, and such fines and

penalties shall be recovered before the Police Court of the City, and imprisonment may be imposed for non-payment thereof, for such term, not exceeding thirty days, as the City Council shall by By-law direct.

BORROWING POWER.

124. The City Council shall have power to borrow for the purpose of improving the streets and squares of the said City, or for any other purpose which, in the judgment of the said Council may be deemed necessary for, or conducive to the good government and improvement of the City, to an amount, which inclusive of Debentures previously issued by the said Council except as hereinafter contained, shall not exceed five times the amount actually collected of the year's assessment immediately preceding the borrowing of such money, and the issuing of such Debentures, and so that at no one time shall more Debentures be issued or afloat to and for these purposes than five times the amount of the year's assessment actually collected preceding the issue of Debentures, and in security for the payment of the money so borrowed, or any part or portion of the same, shall and they are hereby authorized and empowered to issue Debentures, under the hands of the Mayor and any two members of the said Council, countersigned by the City Clerk and sealed with the seal of the said City, and be made payable to the company, firm, bank, corporation, or any person or persons from whom such money or any part thereof shall be borrowed, or to the successors, endorsees or assigns of any such company, firm, bank, corporation, or of any other person or persons so lending the

Debentures issued or afloat not to exceed five times amount of year's assessment collected

same as aforesaid, at any time or times not exceeding twenty years from the date of issuing, with interest thereon to be payable either yearly or half-yearly at a rate not exceeding six per centum per annum, which debentures and interest when so issued, shall be chargeable upon all City property and upon all taxes or moneys raised by the City upon the authority of any Act of Parliament of this Island, or any By-law passed pursuant thereto, and shall be expressed as payable out of the general funds of the City of Charlottetown.

Deb ntures chargeable on all city property and taxes

Form of Debenture

The form of debenture in the schedule hereto marked "F" may be the form to be used for all civic purposes, but when any debentures are issued for other than ordinary civic purposes under the limited borrowing power of the said City, then it shall be written or stamped on or across the face of the debenture the purpose for which it is issued (such as "Debenture for Permanent Works.")

Proviso for payment of overdue Debentures

125. Provided always that the said Council shall have power and are hereby authorized, upon the payment of any over-due debenture, to issue a new debenture for the amount thereof, notwithstanding that the issue of such new debenture may be in excess of the said limit, but nothing herein contained shall be otherwise construed to give said Council further or other borrowing powers.

Certain Debentures not included

126. Provided also that the debentures issued or hereafter to be issued by the said Council under the special powers conferred upon them so to do by virtue of the Provincial Statutes of this Province, 46 Vic., Cap. 23; 48 Vic. Cap. 8,

and 49 Vic., Cap. 8; 50 Vic., Cap. 8, and the Acts in amendment thereof; 60 Vic., Cap. 9; 61 Vic., Cap. 12, and Acts in amendment thereof; 2 Edward VII., Cap. 17, shall not be included in the debentures previously issued in calculating the said limit to the borrowing power of said City, and the same are hereby severally confirmed in terms of the said several Statutes authorizing their issue as being special debentures in excess of such limits, and not to be construed as limiting or affecting the borrowing power of said City.

CRIMINAL COURT OF THE CITY.

127. The Lieutenant Governor in Council shall appoint a fit and competent person to act as Stipendiary Magistrate for the City of Charlottetown, to hold office during pleasure, who shall daily, Sundays and holidays excepted, for such time as may be requisite, hold a Police Court for the City, and therein hear and determine every criminal offence and prosecution cognizable before a Justice of the Peace, and shall have full power to do alone whatever is authorized in any Statute in force in this Province relating to matters within the legislative authority of the Legislature of this Province, to be done by two or more Justices of the Peace, and shall try and determine all prosecutions for offences against the By-laws of the City, and such Stipendiary Magistrate shall, *ex-officio*, be a Justice of the Peace for the whole of this Province. Stipendiary Magistrate Powers

128. The fees to be taken by the said Court for all business done therein, shall be the same as those now taken or charged by Justices of the Court fees

Peace. Justices of the Peace for Queen's County shall not, within the City, hold or exercise any powers hereby conferred on the said Stipendiary Magistrate, but may still exercise therein any special authority not so transferred.

Stipendiary to have control of Police

129. The administration of the Police within the City of Charlottetown shall be vested in the Magistrate so appointed, and he shall have the control and management of the Police of said City, and shall prescribe and regulate their duties and may, from time to time dismiss or remove any marshal or policeman, now or hereafter to be appointed, (but the power of appointing both marshal and policeman shall remain as at present,) and the said Magistrate is authorized to appoint with the consent of the Mayor, special constables, and extra constables for the City.

May appoint special Constables

Appointment of Court Clerk

130. The said Stipendiary Magistrate shall appoint a Clerk for his said Court, and from time to time may dismiss such clerk and appoint a successor who shall issue, sign and seal all writs and summonses issued from his said Court, and file the same; and he shall keep proper books, in which shall be entered everything done in said Court in any cause entered therein; and copies of any Judgment certified by the said Magistrate shall be evidence of such Judgment in all Courts in this Island; and such clerks shall keep all accounts as the Stipendiary Magistrate may require.

Clerk's duties

Time Court Clerk shall pay over fines, &c.

131. On the last Tuesday of every month the said Clerk shall account for and pay into the hands of the City Clerk all fines or fees collected

or received by him , and shall at the same time deliver to the said clerk a full and particular statement of such fines or fees certified by the Stipendiary Magistrate.

Oaths Administered

132. Such Clerk shall have full power to administer all oaths in said Court required for any purposes.

Salary of Court Clerk

133. The said Clerk shall receive a salary, payable out of the funds of said City of not less than five hundred dollars.

Salary of Stipendiary

134. The amount of annual salary to be paid to the said Stipendiary Magistrate shall be such as the Mayor and Common Council of the City of Charlottetown in their discretion shall agree upon, which salary shall be paid out of the funds of the said City of Charlottetown.

Substitute may be appointed during absence of Stipendiary

135. In case of illness or absence on leave, which absence the Lieutenant Government or Administrator of the Government for the time being in Council, is alone authorized to allow, the duties of Stipendiary Magistrate shall be performed by some competent person to be commissioned by the Lieutenant Governor or Administrator of the Government for the time being in Council, during such illness or absence of such Stipendiary Magistrate who shall have the same power as such Stipendiary Magistrate has under this Act.

Police may compel aid to arrest

136. The Marshal and Police Constables of the City of Charlottetown are hereby authorized and empowered when and so often as they are prevented from arresting any offender or offenders, or from conveying such person or persons

arrested to the Station House by reason of persons standing about or around such offender or offenders, or jostling the said Police Constables for the purpose of shielding any person or persons from arrest, or of rescuing any person or persons so arrested by said Police Constables, to compel the assistance of any person or persons in the discharge of their duties as such Police Constables, and any such person or persons refusing to assist any Police Constable when called upon for that purpose shall on conviction thereof before the said Magistrate, be liable to incur a penalty not exceeding twenty dollars, and in default of payment thereof shall be liable to imprisonment for a term not exceeding fourteen days.

Demand of Police sufficient warrant

137. The demand or call of any Police Constable to any such person or persons shall be a sufficient warrant and authority to such person or persons to assist such Police Constable, and that such Police Constable is acting in discharge of his duties.

CITY COURT.

One Judge for City Court

138. There shall be in said City a Court of Record to be called "The City Court," over which Court one Judge shall preside.

Jurisdiction of City Court

139. The said City Court shall so far as the same shall be applicable thereto, and so far as regards persons, both debtors and creditors, residing or doing business within the said City and boundaries thereof, be vested with the same jurisdiction, powers and authorities up to but not beyond the sum of eighty dollars, as the

County Courts of Judicature in this Province now possess by virtue of any Act of the Legislature of this Province; and the said Court and the Judge thereof shall, subject to the limitations aforesaid, have the same powers as the County Court Judges possess by virtue of any of the Acts aforesaid for the collection of debts. Maximum amount collectable, $80.00

140. The City Court shall be held on the first Wednesday in every month throughout the year, except when such day shall happen to be a Public Holiday, when the said Court shall be held on the following day. Court held on first Wednesday in month

141. The Clerk of the said Magistrate shall be the Clerk of the said Court, and shall have the same powers and authority as are vested from time to time in Clerks of the said County Courts by the Legislature of this Province, and shall have power to administer all oaths and take all affidavits for use in said Court; and the City Marshal and any of the Police Constables or Bailiffs of said City shall have the same powers and authority as are possessed by properly authorized Bailiffs of said County Courts; and all fees collected under this Act shall be paid into the City Treasury. Clerk of the Court

Marshal and Police to be Bailiffs

142. The Judge of the said City Court shall have all and the same powers with regard to amendments as are possessed by any Judge of the County Court. Judge to have power to amend

143. It shall be lawful for the said Clerk of the said City Court, only in cases where the debt shall not exceed thirty-two dollars, to issue a capias to arrest the body of the debtor in whatsoever county of this Island he may be found. Capias may issue

Party arrested when tried

144. Should the party arrested elect to be tried at once, the said Judge shall on the morning of the day after such arrest, or as soon thereafter as conveniently can be, proceed to hear and determine the cause in the same manner and with the like powers and authority as are prescribed and given to two Justices of the Peace acting under and by virtue of the Act of this Legislature relating to County Courts; and the Clerk of the City Court shall issue all necessary executions on the order of said Judge; but in case such party so arrested as aforesaid shall not so elect, then he shall in default of giving bail to the said Marshal, Policeman or Bailiff, in manner and for the amount prescribed in such cases conditioned for his appearance at the next regular sitting of the said City Court after such arrest, be committed to jail on such capias.

Execution, how issued

145. Executions shall be had in manner as the same are issued by the County Courts, and they may be executed in any part of this Province.

What forms used

146. The several forms contained in the Acts of the Legislature relating to County Courts shall so far as the same may be applicable, be used in the said City Court, and be varied to suit the requirements of the said City Court as necessary.

Persons confined entitled to insolvent relief

147. All persons confined in or within the limits of Queen's County Jail, for any debt, damages or costs under any mesne or final process issued out of the said City Court, shall be entitled to the same relief as parties are entitled to under the provisions of the Act of the

Fourteenth Victoria, chapter two, intituled, "An Act to consolidate and amend the laws now in force for the relief of Insolvent Debtors" and all Acts in amendment thereof, and of all Acts passed for the relief of Insolvent Debtors, and shall make their application for relief to the said Judge in the same manner as parties confined in or within the limits of any jail by virtue of any mesne or final process issued out of the Supreme Court, may or can do.

Judge has power to grant relief

148. The said Judge shall for such purpose have and be vested with the like powers and authorities, in every respect as are conferred upon two of the Justices of His Majesty's Supreme Court of Judicature, by the said recited Act, and by all Acts in amendment thereof, for the purpose of granting relief to Insolvent Debtors confined under mesne or final process of the said Supreme Court.

Creditor may garnishee

149. For any claim within the jurisdiction of the City Court of the City of Charlottetown, a creditor may institute in such Court the like proceedings for the attachment of debts as may be had or taken by a creditor in the Supreme Court by the Act Forty-four Victoria, Chapter Four, entitled "An Act respecting the Garnishment of Debts," and by all Acts amending the same, and the Judge of the said City Court may exercise all the powers as regards such proceedings in such City Court as may be exercised by a Judge of the Supreme Court with respect to the proceedings in such Supreme Court, provided always, that an order of the Judge of the said City Court for execution against any garnishee on a Judgment at the suit of any creditor against a garnishee in such City

Judgment against garnishee not to bind lands

Court in any such proceedings under the said Act, or amending Acts, or any Judgment of the said City Court shall not have any force or effect against or as regards the interest of any garnishee in any lands; and provided further that any such order or Judgement shall not operate as an assignment to any creditor of any Judgment, Mortgage or other instrument creating a lien on the real or personal estate of a garnishee as similar order or Judgment in like proceedings in the Supreme Court may by virtue of the said Act.

Judge of City Court may make rules and forms *re* Garnishee Act

150. It shall be lawful for the Judge of the City Court, from time to time, to make all such general rules and orders for the effectual execution of the said Garnishee Act and amending Acts, and of this Act and of the intention and object thereof, and the performance thereof relative to proceedings in such Court, and to make any form of writs, rules, orders or summonses as he shall deem necessary or expedient for giving effect thereto, and which rules, orders and forms shall have and be deemed to have the same force and effect as if originally inserted in this Act; and all such writs, rules or orders and proceedings shall be acted upon and enforced in such and the same manner as writs and proceedings in such Court are now acted upon, and inforced, or as near thereto as the circumstances of the case will admit or as such Judge shall order.

Judge to appoint Bailiffs

151. The Judge of the said City Court shall have power to appoint such Bailiffs as may be necessary for the said Court, and such Bailiffs when appointed shall have full power and authority to execute all and every the processes,

orders or warrants of said Court or the Judge thereof.

The police to have jurisdiction on harbor

152. The authority of the City officers and the jurisdiction of the Police and City Courts shall extend unto and over all Acts, matters and things, civil or criminal, done upon the harbor of Charlottetown, and described within the following boundaries, that is to say: Commencing at the eastern and northern extremity of Common Lot Number Thirty-five, known as Kensington Farm; thence along the front of all the city, and of that part of the city called the Common, fronting on York or North River to the northern extremity of Common Lot, Number Six, now in the possession of James Lewis; thence across the said river in a direct line to a point making out from the northern side of a creek known as McKenzie's creek, as laid down in Captain Bayfield's chart of said harbor, dated One Thousand Eight Hundred and Forty-three; thence along the northern and southern shore of said creek, and the western shore of said river in front of lands now or formerly in possession of J. H. Peters, Jacob Dockendorff, Alexander McKinlay, William White and others, to the western side of a point on the said William White's land, commonly called North Point, as also laid down in said chart; thence across the West or Elliot River to the western boundary of a point of land generally known as McKenzie's Point; thence along the shore of the west of Elliot River to the western extremity of a piece of ordnance land occupied by the Blockhouse and known as the Blockhouse Point; thence across the mouth of the harbor to the southern side of a point known as Sea Trout Point; thence along the

Description of harbor

shore on the east and south side of the East or Hillsborough River, to the eastern extremity of land purchased by Government from James Kelly for an hospital station ; thence across the East or Hillsborough River to the place of commencement, the aforesaid northern and eastern extremity of Common Lot Number Thirty-five, known as Kensington Farm, and over all the waters of the said harbor and portions of the creeks and rivers within the boundaries herein described, and over all the wharfs, ferry slips and landing slips thereon up to highwater mark, including the Hillsborough Bridge and approaches thereto ; provided such Acts, matters and things if done within the limits and boundaries of the City herein described as aforesaid, would be within the authority and jurisdiction of any of the officers or Courts of the City, and process civil or criminal, which any Court or any officer of the City may have power to issue or execute, shall and may be executed upon the harbor of Charlottetown.

SPECIAL PROVISIONS

Mendicant Children, binding of

153. The City Council are hereby empowered whenever it shall appear to them that any child being under sixteen years of age is mendicant, destitute or unable to provide for itself, or has no parents or guardians who are able or willing to provide for such child, shall by indenture to be signed by the Mayor and sealed with the corporate seal, bind out and apprentice such child to any person or persons within this Island, and such child shall remain bound until the age of twenty-one years, or for such lesser period as they may think fit—the

said binding to be effectual to all intents and purposes as if such child were of full age and bound himself or hereself; and the person or persons to whom any apprentice may be so bound shall receive and provide for such apprentice according to the said indenture: Provided always that in every case where a mendicant child shall be bound out as an apprentice, the religious persuasion of the person to whom the apprentice shall be so bound, shall whenever practicable, be the same as that of the apprentice.

Contract for over $6,000 to be approved by rate-payers before entered into

154. The City Council shall not enter into any contract in which a sum amounting to six thousand dollars is required to be expended, unless and until a public meeting of the rate-payers of the City shall have been first called to take such contract or proposed contract into consideration, and unless the same be approved by a majority of the rate-payers present at such meeting; such meeting to be called by the Mayor by giving at least thirty days' notice in at least two public newspapers published in Charlottetown.

In suits for damages through unsafe condition of streets, city to have remedy against person so obstructing

155. In all cases where the City may be held liable for damages sustained in consequence of the unsafe condition of, or nuisance or incumbrance on the sidewalks, squares or streets of said City, it shall have a right to indemnity from, and have a remedy over against the person or corporation by whose act, or conduct the sidewalk, square or street was rendered unsafe, or by reason of whose act or conduct, the damage or injury arose.

156. In no case shall the City of Charlottetown be liable for damages sustained in

City not liable for such damages unless notice of claims be given within 3 months.

consequence of the unsafe condition of the street or sidewalk, or from a nuisance or incumbrance on the sidewalks, squares or streets of the said City, unless a notice in writing of the claim for such damage be given to the City Clerk by the party injured within three months from the time when the cause of action arose ; and in any such action, the said City may plead the general issue and plead this Act and the special matter in evidence at any trial thereupon.

City not liable for damages to property through grading of streets

157. In no case shall the City of Charlotte town be liable to the owners or occupiers of adjoining property for damages to such adjoining property occasioned by the grading, building up or cutting down of any street, lane, alleyway or sidewalk.

Sale of Pownal wharf

158. Whereas it is desirable that the City Council should have power to make sale and dispose of the wharf property with its appurtenances known as Pownal wharf in the said City.

It is hereby declared that it shall be lawful for the said City Council, and they are hereby authorized and empowered to make sale and dispose of said property or so much thereof as the said Council may deem advisable by public auction, or by tender or otherwise, as they may deem best, and for such sum or sums as the said City Council may be able to obtain therefor ; and it is further declared that any conveyance or conveyances of the whole or any part or parts thereof duly executed under the Corporate Seal of the said City and signed by the Mayor in authentication thereof, shall vest in the purchaser or purchasers a good and valid title in

fee simple to the property described in such conveyance or conveyances.

SANITARY PROVISIONS

159. No privy or privy vault shall be used in the City of Charlottetown which permits human excrement or urine to fall into any hole or pit dug in the ground, and all such privies or privy vaults now in use shall immediately be thoroughly cleaned and filled up with ashes or clean clay. No privy pit allowed

160. There shall only be used for such purpose properly constructed drawers or boxes placed on or above the surface of the ground, which said drawers or boxes shall, at such intervals of time as they shall severally require it, or as ordered by the Board of Health of the said City, be emptied and thoroughly cleansed, and the contents thereof with all convenient dispatch deposited outside the City limits. Boxes to be used

161. No cess-pool, ash-pit, manure-pit, or other place for the reception of slop, washings or drainings, shall be used in the said City of a greater depth than two feet below the surface of the ground, and all such cess-pools, ash-pits, manure-pits, or other receptacles as aforesaid, as are of a greater depth, shall immediately be thoroughly cleansed and filled up with ashes or clean clay. Cess-pools, etc how deep

162. And be it further enacted that the said Board of Health of the City of Charlottetown shall have full power to grant, lease or sell for a term of years the exclusive right to remove and Exclusive right to remove night soil

take out of the said City all night soil, manure, ashes, or refuse matter of any description, upon such terms and conditions as they shall deem most advisable.

Above sections to apply to Common

163. The above four sections of this Act shall apply to that portion of the Common and Royalty of the said City situate at or near the spring situate at Spring Park, on the Malpeque Road, and so that all lands and premises within a radius of half a mile of said spring, and the owners and occupiers thereof shall be as fully subject to the provisions thereof as if such land and premises, owners and occupiers were within the city limits.

One special Sanitary officer to be appointed

164. The City Council shall annually appoint one special sanitary officer whose duties shall be to see that the requirements of this Statute are kept and observed, and to enforce the By-laws of the City, and of the Board of Health in all sanitary matters, and to prosecute all offenders before the Stipendiary Magistrate of the City, and generally to enforce cleanliness in the said City, and the salary of such officer shall not be less than one hundred dollars to be paid out of the City funds.

Penalty $30.00

165. Any person or persons guilty of an infraction of any of the above sanitary provisions of this Act, shall upon conviction in the City Court of the Stipendiary Magistrate on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Magistrate, a penalty not exceeding thirty dollars for each offence, exclusive of costs, and in default of payment thereof it shall and may be lawful for

the said Magistrate to commit the offender or offenders to the common jail of the said City for any period not exceeding thirty days, unless the said penalty and costs be sooner paid.

BYE-LAWS

166. All By-laws passed by the City Council shall be as legal and binding as if incorporated in and forming part of this Act, and it shall be of full force and effect from the passing and enactment thereof, or from the time when such By-law or By-laws shall declare the same to come into force respectively. By-laws of Council

167. Any By-law or By-laws heretofore passed, or hereafter to be passed by the City Council, signed by the Mayor of the City and the City Clerk, and having affixed thereon and thereto the Seal of the City, shall be absolute and conclusive evidence and proof, whenever offered in any suit or proceeding in any Court of Law or Equity in this Island, not only that such By-law or By-laws was or were legally enacted and passed, but also that every pre-requisite necessary to enable such By-law or By-laws to be enacted or passed was had and done and happened and existed, and no further or other proof than the mere production of such By-law or By-laws shall be necessary to make it or them such evidence as aforesaid ; provided nothing herein contained shall be construed to give any validity to By-laws that are *ultra vires*. By-law signed and sealed to be conclusive evidence in Court of Law, &c.

PERMANENT WORKS.

168. The City Council shall be at liberty to expend in each year such amount as they may

Authority for expenditure on Permanent Works

see fit in laying down permanent streets and sidewalks until the full amount of fifty thousand dollars authorized by Act of 2 Edward VII, Cap. 17, (inclusive of the amount expended for that purpose in the year one thousand nine hundred and two) is expended.

Permanent side-walks in front of blocks

169. It shall be lawful for the City Council when deemed advisable in the interests of the City, by resolution, to authorize the laying down of permanent sidewalks in front of any block or blocks in said city, and the work may thereafter be proceeded with: Provided always that in such case the owners of the several parcels of land bordering on the part of the highway or street along which the sidewalk is made shall be liable to be assessed to an amount not exceeding one-half part of the actual cost of such work, as the City Council shall at any regular meeting by resolution determine.

Owners of property to repay to city proportion of cost of permanent work

170. Any expenses incurred for work so ordered and performed shall be paid out of the moneys hereinbefore provided for permanent works, and the amount for which the owners of said several parcels of land bordering on the part of the highway or street along which said sidewalk is made as aforesaid, shall repay to the said City the proportion of the said cost, as the same may be determined upon by the City Council, by resolution, as provided for in section three: Provided however that if any such parcel is devoted to civic purposes the City may assume and pay the whole or part of the amount assessed thereon if said City shall deem proper to do so.

171. On the completion of said work, the City Surveyor shall prepare and submit to the

City Council, a statement showing the actual cost of said sidewalk, including all labor and materials, and shall apportion the said assessable cost to the parcel of land aforesaid, so that the amount apportioned to each parcel shall bear to the total assessable cost the proportion which the number of lineal feet of each parcel on said highway or street bears to the number of such lineal feet of all such parcels, and a lien shall attach to the parcel and to any buildings which may be thereon, for such amount as a part of the tax on such parcel. On receipt of such statement and apportionment the City Council shall forthwith fix the time when such assessment shall be payable, and shall be at liberty to order that it be payable by two or three yearly payments, as they shall deem proper, and immediately upon such terms of payment being fixed the City Clerk shall give notice of the amount of such assessment to the owner of the estate assessed therefor forthwith after the amount has been determined: Provided always that the owner of any parcel assessed as aforesaid shall be at liberty to pay the whole amount of said assessment in cash within ten days after receipt of such notice, and in such case shall be entitled to a discount at the rate of five per cent. thereon.

Statement of City Surveyor and apportionment of cost

172. Should the owners of the said parcels of land, or any of them, fail to pay the amounts so assessed as aforesaid, at the time or times so fixed for the payment thereof, then and in such case the amount so payable in any year shall be added to the ordinary assessment on said property for such year, and shall therein be designated "Assessment for Permanent Sidewalk," and shall be recoverable in like manner as the said ordinary assessment on Real Estate, except that

Recovery from owner of property of amounts so assessed

there shall be no appeal from the item of the assessment last mentioned, and all other provisions of this Act as to enforcing or compelling payment of the annual assessment shall be applicable to the recovery of the amount assessed hereunder.

NEW MARKET HOUSE.

New Market Building

173. Whereas the Market Building has recently been destroyed by fire and it is necessary that a new Market Building should be erected upon or near the site where the old building stood with as little delay as possible.

Power to issue debentures for same

It is hereby declared that notwithstanding anything in this Act to the contrary, the City Council of the City of Charlottetown is hereby authorized to enter into a contract for the erection of a New Market House Building upon or near the site aforesaid at the western end of Queen Square in this City of Charlottetown, and for that purpose shall have power to issue debentures to the amount of Thirty-five thousand dollars in addition to the amount already authorized for all other purposes, to be designated "Debentures for Market House"; said debentures to be issued in amounts of five hundred dollars each, and to bear interest at such rate not to exceed four per cent. and be payable at such times as the City Council shall by resolution fix and determine, and which said debentures when issued and interest thereon shall be a charge upon all city property and upon all taxes or money raised or levied by the said City.

REPEAL. APPLICATION OF ACT

174. Subject to any special provision made in the foregoing enactments, this Act shall come into force upon, from and after the day of the passing thereof, and upon, from and after the said day the Act 51 Victoria, Cap. 12, intitled "An Act to consolidate and amend the several Acts incorporating the City of Charlottetown," and all Acts, amendments or provisions of law inconsistent with this Act are hereby repealed, and this Act is substituted for them: Provided always that all Acts or enactments repealed by any of the said Acts shall remain repealed, and all things or any of them shall remain valid and may be enforced, and all offences committed or liabilities incurrred under them or any of them may be prosecuted, punished and enforced, and all proceedings and things lawfully commenced under them, or any of them, may be continued and completed under the said Acts or corresponding provisions of this Act, which shall not be construed as a new law but as a consolidation and continuation of the said repealed Acts, subject to the amendments and new provisions hereby made and incorporated with them; and anything heretofore done or any obligation, penalty or liability heretofore incurred, in pursuance or in contravention of any provisions in any of the said repealed Acts, which is repeated without material alteration, in this Act, may be alleged or referred to as having been done or incurred in pursuance or in contravention of the repealed Act in which such provision was made, or of this Act; and every such provision shall be construed as having, and as having had the same effect and from the same

This Act a consolidation and continuation of previous Acts

time as under such repealed Act; and any reference in any former Act or document to any such provision in any of the said repealed Acts shall hereafter be construed as a reference to the corresponding provisions in this Act. Schedule (G) hereunto annexed contains the Acts referred to in this section and consolidated by this Statute.

175. This Act may be cited as "The City of Charlottetown Incorporation Act."

FORM (A).

GENERAL TAX NOTICE

Form A

Take notice that you have been assessed as follows for taxes payable by you to the City of Charlottetown, for the year ending 31st day of December, A. D. 19

On Real Estate . .	(Valued $)	$
" Personal Property .	(Valued $)	$
" Income . . .	(Valued $)	$
For Poll Tax		$ 2.00
	In all a total sum of	$

which sum you are hereby required to pay to me within ten days from the delivery of this notice, during which time you are at liberty to appeal. And in default of such payment, or appeal, execution will issue as the law directs.

Dated at Charlottetown, this day of A. D. 19

To

City Collector.

FORM (B).

Form B

EXECUTION

Canada,
Province of Prince Edward Island,
Queen's County.

In the City Court of the City of Charlottetown,

To the City Collector, Police Officer or Constable of the City of Charlottetown.

Levy on the goods and chattels of A. B., of in Queen's County, in the said Province, by sale thereof, the sum of $, which has been assessed upon him and is unpaid for (here add for "Poll Tax," Income Tax," "Personal Property Tax," and "Real Property Tax," all or any, one or more as the case may be); also $, for costs besides costs of levying this execution, and for want of such goods and chattels, take the body of said A. B. and him commit to the jail of Queen's County, aforesaid, and make due return thereof to this Court within thirty days from the date hereof.

Given under my hand and seal of this Court at Charlottetown aforesaid, this day of A. D. 19

F. F.,
Clerk of the City Court.

Levy $ besides Constable's fees.

FORM (C).

WARRANT FOR SALE OF REAL ESTATE

Form G

Canada,
Province of Prince Edward Island,
Queen's County,
City of Charlottetown.

In the City Court of the City of Charlottetown.

To the Sheriff of Queen's County.

The sum of $ having been assessed against (here describe real estate in general terms, as in assessment Book) for the year ending December 31st, 19 , the name of being entered by the Assessors as the owner or apparent owner thereof, and the said sum not having been paid as required by law, and judgment having been given by me against such lands on the day of last past, I do hereby order and command you to levy upon and sell such real estate, or so much thereof as in your judgment is sufficient to pay such sum, together with $ costs, and all your charges and expenses, at Public Auction to the highest bidder, first giving thirty days' notice of such sale as required by law, and you will make such return to me herein, within sixty days from this date.

Given under my hand and Seal of the City Court, at Charlottetown this day of A. D. 19

FORM (D).

Form D

To all to whom these presents may come, I of in Prince Edward Island, (High Sheriff) or (Late High Sheriff) of Queen's County, greeting :

Whereas judgment was obtained in the City Court of the City of Charlottetown, on the day of A. D. 19 , against all (here describe land) for the sum of dollars debt, and $ costs, by the City of Charlottetown, for the non-payment of the assessment imposed on said land, under and by virtue of an Act passed in third year of the reign of His present Majesty, King Edward VII, intituled "An Act to consolidate and amend the several Acts incorporating the City of Charlottetown ;" and whereas by virtue of a warrant issued out of said Court, under the hand and seal of the Judge of the City Court of the City of Charlottetown, bearing date the day of A. D. 19 , I, as such Sheriff was commanded to levy upon and sell the said real estate, or as much thereof as in my judgment would be sufficient to realize the sum of dollars, together with all costs of such levy and sale at public auction to the highest bidder, having first given thirty days' notice of such sale as required by law, and to make a return of my doings thereunder to the said Judge within sixty days after the date of said warrant ; and, whereas, I as such Sheriff, by virtue of such judgment and warrant, and by virtue of the Act hereinbefore recited, and all Acts enabling me, having given the notice required by law, did levy upon and sell by

public auction, at the Provincial Building in Charlottetown, the said land and premises hereinbefore described (or the land and premises hereinafter described being part of the land hereinbefore described, as the case may be) to of in for the sum or price of dollars, he appearing to be the best or highest bidder therefor: Now know ye that I the said by virtue of my office as such Sheriff, and by virtue of said warrant and the Act hereinbefore referred to, and all other Acts and powers enabling me, and in consideration of the sum of dollars paid by the said of the receipt whereof is hereby acknowledged, having granted and assigned and by these presents do grant and assign unto the said his heirs and assigns all that (here describe land) to have and to hold the same unto and to the use of the said his heirs and assigns forever.

In witness whereof I, the said have hereunto set my hand and affixed my Seal of office this day of A. D. 19 (or in witness whereof, I the said by my deputy for that purpose lawfully authorized, have hereunto my hand set and affixed my Seal of office this day of A. D. 19).

Signed, Sealed and delivered in the presence of

FORM (E)

Form E

Dominion of Canada,
Province of Prince Edward Island,
Queen's County,
City of Charlottetown.

Before the Stipendiary Magistrate of the City of Charlottetown.

Whereas (appellant) has been taxed and assessed on (here describe real estate, personal property, income and poll tax appealed from or of only one or more than such thereof as are appealed from) in the sum of (here fill in gross amount of tax assessed against appellant) and has appealed from such assessment as appears by notice of appeal now on file. Now I do order and adjudge that the amount of said assessment be confirmed (or reduced to the sum of $) and (if on real estate "that judgment be entered against the above described premises for the sum of $), and (if on personal property and for Income and Poll Tax" that judgment be and is hereby entered against the said appellant in the sum of $) and $ costs which said moneys in the whole amount to $ (suiting the above form to cases where only one or more of such taxes are appealed from), (or that the said appeal be allowed absolutely.)

Judgment signed this day of 19

Stipendiary Magistrate.

Form F

SCHEDULE (F).

$500. CITY CLERK'S OFFICE CITY OF CHARLOTTETOWN. No. ....

Province of Prince Edward Island,
Dominion of Canada.

THIS DEBENTURE is issued by virtue of the Act of the General Assembly of the Province of Prince Edward Island, made and passed in the 3rd year of the Reign of His Majesty King Edward VII, Chapter 17, intituled "An Act to consolidate and amend the several Acts incorporating the City of Charlottetown," and is chargeable on all City Property and upon all Taxes or Moneys raised by the said City for the payment to or order for the sum of

FIVE HUNDRED DOLLARS ($500.00.)

lawful money of Canada, out of the general funds of this the said City of Charlottetown in years from this date at the Office of the City Clerk of this City, with interest thereon from this date, at the rate of four dollars per centum per annum, payable semi-annually on the days of. in each year, in this City, upon presentation and surrender of the annexed Coupons as they severally become due.

Dated the day of A. D. 19

Mayor.

} Members of City Council

City Clerk

Debenture No. Coupon No.

The City of Charlottetown will pay the holder hereof, in the City of Charlottetown on the day of A. D. TEN DOLLARS, being one-half year's interest on said Debenture to that date, unless the principal is previously paid.

City Clerk.

SCHEDULE G.

ACTS REPEALED, CONSOLIDATED AND AMENDED BY THIS ACT.

YEAR	VIC.	CAP.	
1888	51	12	An Act to consolidate and amend the several Acts incorporating the City of Charlottetown.
1889	52	14	An Act to amend the City of Charlottetown Incorporation Act.
1891	55	10	An Act to amend the City of Charlottetown Incorporation Act.
1894	57	20	An Act in amendment of the City of Charlottetown Incorporation Act and the amendments thereto.
1894	57	21	An Act to exempt Hospitals from taxation.
1897	60	9	An Act to further amend "An Act to consolidate and amend the several Acts Incorporating the City of Charlottetown."
1896	59	8	The Victoria Park Roadway Act, 1896.
1899	62	25	An Act to amend the City of Charlottetown Incorporation Act.
1900	63	11	An Act to further amend the "Act to consolidate and amend the several Acts Incorporating the City of Charlottetown."
1902	ED. 2	17	An Act to amend the City of Charlottetown Incorporation Act.
1902	2	18	An Act to vest in the City of Charlottetown certain lands therein mentioned.

CAP. XII.

An Act to amend the City of Charlottetown Incorporation Act, (3 Edward VII., Cap. 17).

(Assented to April 30th, 1904.)

WHEREAS owing to the large number of Electors now residing in Ward Five, it has been deemed advisable in future Civic Elections to divide said Ward into two Polling Divisions, one for Ward Five East, and one for Ward Five West. Preamble

Be it therefore enacted by the Lieutenant Governor and Legislative Assembly of the Province of Prince Edward Island, as follows :

1. That hereafter at all Civic Elections in Ward Five two Polling Places shall be opened at which electors resident therein, or entitled to vote therein, shall poll their votes, one in Ward Five East, and one in Ward Five West, the division line being Great George Street and Malpeque Road. The Returning Officers for each of said Polling places shall at the close of the poll add up the number of the votes polled for each and every candidate for Mayor, or Councillor, or Commissioner of Sewers and Water Supply, but shall not in case of an equality of votes at either of said polls be entitled to give a casting vote or to declare any candidate elected, but shall declare the number of votes cast for each candidate for Mayor, or Councillor, or Commissioner of Sewers and Water Supply. Two polling places, Ward Five

City Clerk declare candidates elected.

2. So soon as the Poll Books for said Ward shall have been returned to the Clerk of the City, the said Clerk shall add up the total number of votes cast for each candidate for Mayor and Councillors and Commissioner of Sewers and Water Supply, respectively, and shall declare the candidate for Mayor having the greatest number of votes duly elected, and the three candidates at a General Election, or the one or more candidate or candidates at a by-election for Councillor and Water Commissioners, respectively, having the greatest number of votes, elected, and in the case of an equality of votes for Mayor or Councillor or Commissioners of Sewers and Water Supply whether otherwise qualified or not, shall give a casting vote for one or other of the persons having such an equality of votes, in order to give a majority to one of them and determine the election.

"Seven days" to include nomination day

3. The words "Seven days before," contained in Section Fourteen of the said Act, shall mean and be construed to mean seven days inclusive of the day fixed for nomination.

Election of Tenth February 1903 declared valid.

4. In order to set at rest any possible doubts which may exist as to the regularity of the election for the Mayor and Councillors and Commissioners of Sewers and Water Supply for the said City of Charlottetown, held on the Tenth day of February last, or of any Councillor elected at any by-election held since then, the nomination and election of the Mayor and Councillors and Commissioners of Sewers and Water Supply are hereby declared to have been valid and regular in every respect and are hereby confirmed, and the validity or regularity of such nominations and election, or any of

them, shall not be questioned in any court upon the ground of any supposed irregularity whatsoever.

5. Section Four of the said Act is hereby amended by inserting after the word "Province," on the third line, the following words, "or being a member of the Legislative Assembly of this Province"; also, by striking out the words "or assessed at" in the seventeenth line thereof. Section Four amended

CAP XIII.

An Act to Further Amend the City of Charlottetown Incorporation Act.

(Assented to May 5th, 1905.)

Preamble

WHEREAS by Section 173 of the Act of 3rd Edward VII, Cap. 17, the power of the City of Charlottetown to issue Debentures for the erection of a new Market House Building is limited to Thirty-five thousand dollars, which sum has been found insufficient for the purpose.

Be it therefore enacted by the Lieutenant Governor and Legislative Assembly of the Province of Prince Edward Island, as follows :

Debentures---Market House Building

1. That the Corporation of the City of Charlottetown be hereby authorized to issue debentures for the further sum of Twenty-five thousand dollars for the completion of the said Market House Building, said debentures when issued to be in the same form and to bear interest at the same rate, and to be secured in the same manner as the debentures provided for under said Section 173 of the Act of 3rd Edward VII, Cap. 17.

Sinking Fund

2. For the purpose of providing a fund towards payment of the debentures issued or hereafter to be issued for the construction of the said Market House Building, the City of Charlottetown shall set aside annually out of the net receipts and revenues from the said Market House Building, (after providing thereout for payment of the interest on all the debentures

issued for said Market House Building,) a sum not less than One thousand dollars as a sinking fund, and should the net revenues from said Market House Building be insufficient to pay the annual interest and to provide the sum required for said sinking fund, then the said City shall order a rate for that purpose on all property, real and personal, which is now or shall hereafter be liable to be rated or taxed for civic purposes, to be settled, levied and collected in each and every year to provide for payment of the said interest and the amount required for said sinking fund, or such part thereof as may be found necessary on account of the insufficiency or shortage in the net revenues or receipts from said Market House Building, as aforesaid.

Sec. 20 repealed

3. Section 20 of the said Act of 3rd Edward VII, Cap. 17, is hereby repealed, and the following substituted therefor :

Names of voters entered in Poll Book.

(20) The name of each elector voting at such elections shall be written in Poll Books under appropriate heads, to be kept at such election by the Returning Officer, who shall at the close of each election forthwith proceed publicly to declare the number of votes shall have been taken, and the Poll Books kept at such election shall by the Returning Officers be delivered by ten o'clock on the day after the conclusion of every such election to the Clerk of the City, to remain in his office, where they shall be open to inspection by any elector, and at the same time the said Returning Officer shall make due return to the City Clerk of the number of votes cast for the candidates for the office of Mayor and Councillors respectively, and except in any case wherein a scrutiny shall

Returning Officer shall make return

have been previously or shall then be properly demanded by a voter who had voted at the same election. The said City Clerk shall after the hour of twelve o'clock, noon, on the same day, (the day after the election), declare the candidate for the office of Mayor, having the largest number of votes in the several Wards of the City duly elected, and the candidates for City Councillor in the several Wards having the largest number of votes duly elected, and shall make due return thereof to the City Council; but if upon the summing up of the votes for Mayor and Councillor respectively, there shall be an equal number of votes for two or more persons, it shall be lawful for the City Clerk, and he is hereby required whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes in order to give a majority to one of them, and determine the election, and the person or persons so returned or declared elected, shall be deemed and held to be the Mayor of the City and the Councillor or Councillors for the several Wards for which he or they are elected; and such return shall be conclusive evidence of the due election of the person or persons therein returned elected, and of the regularity and happening of every pre-requisite necessary to holding such election.

City Clerk must give casting vote

Return conclusive evidence

4. Section 25 of the said Act of 3rd Edward VII., Cap. 17, is hereby amended by inserting between the words "premises" and "in" in the fifth line of the said section the following words: "or owning real estate," and the same shall be read in and construed to be a part of the said section.

Section 25 amended.

CAP. XV.

An Act to Authorize the City of Charlottetown to Install an Electric Light Plant or Electric Light and Gas Plant.

(Assented to 5th May, 1905)

ELECTRIC LIGHT AND GAS WORKS

WHEREAS it is desirable to empower the said City of Charlottetown to erect or acquire by purchase Electric Light and Gas Works, both or either in the City of Charlottetown. Preamble

Be it therefore enacted by the Lieutenant Governor and Legislative Assembly of the Province of Prince Edward Island, as follows: Enactment

1. The City shall have all the powers necessary to enable it to construct electric light and gas works both or either, with all the appliances for the necessary manufacture, supply, distribution and sale of gas or electric light to all persons, firms or corporations in the city for the purpose of lighting, heating and all other purposes for which electric light or gas is capable of being used, whether the same is known at the present time, or may be hereafter ascertained; and also to purchase and after purchase to add to the plant of any electric light or gas company, and to improve, maintain, and enlarge any of said works from time to time. City to have powers to construct works. To purchase

2. The City shall have power to employ and appoint engineers, surveyors, officers and other

City to employ Engineers for construction

persons for the purpose of constructing, improving and adding to any electric light or gas works, and to rent or purchase such lands, works, privileges and yards, as in its opinion may be necessary to enable it to carry out the purposes of this Act.

City may operate and manufacture

3. The City may operate such works and manufacture electric light or gas for the purposes aforesaid, and may make contracts for coal, petroleum, electrical appliances and any material necessary for such production and manufacture.

City may break up streets, &c.

4. The City may break up, dig and trench so much and so many of the public streets as are necessary for the erection of poles, and for laying pipes, mains and other appliances, for conducting electric light wires or gas from the works to the consumers thereof, or for removing, taking up, altering and renewing all such poles, pipes or appliances as to the City may seem expedient so to do.

City may use use private property

5. If in any case it should seem more convenient for the City to place its poles or posts, or lay its pipes under or through private property instead of under and through public streets, the City is hereby authorized and empowered to cut and dig up if necessary, and to erect and lay down its poles or posts, mains and pipes through, under or upon lands and premises of any person or persons, corporation or corporations, which may be situated between the works of the City and the property of consumers of such electric light or gas, making in such cases compensation for any injury thereby done, and restoring all of such lands so far as may be to

Compensation for injury

their original condition without unnecessary delay, and doing as little damage as possible in the execution of the powers hereby granted to the City.

City to keep separate Books

6. The City shall and is hereby required to keep or cause to be kept, separate books and accounts of the receipts and disbursements for and on account of such electric light and gas works distinct from the books and accounts relating to the other property, funds and assets of the City.

To regulate distribution and supply

7. The City shall regulate the distribution, supply and use of electric light, power and gas, in all places and for all purposes where the same may be required from time to time, shall fix the prices for the use thereof and times of payment, a discount for prompt payment and for payment in advance, and the penalties for allowing payments to fall in arrears.

City to place meters

8. The City is also empowered to place meters upon any service or other pipes or wire or connection within or without any house or building, as it may deem expedient, for the purpose of measuring such gas, and may remove or alter the position of any such meter or of any pipe, wire, or connection, and to fix the price to be paid for the use of any such meter or of any pipe, wire or connection, and the times and terms of payment.

Light and gas rates to be paid City Clerk

9. All electric light and gas rates and rents when collected shall be paid over to the City Clerk, and be by him placed to the credit of the Electric Light and Gas Works' Account.

City to make by-laws and regulations for management of electric light

10. The City shall have power from time to time to make, and amend, and change, and to enforce all necessary by-laws, rules and regulations for the general maintenance or management or conduct of said Electric Light and Gas Works, or either of them, the officers and other persons employed by the City, and for the collection of electric light and gas rates, and rents and moneys due or becoming due for the supply of electric light or power or gas, and to enforce payment of any such rates, or rents, or prices by shutting off the supply of electric light, power or gas, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupier of the premises using such electric light, power or gas, of any goods or chattels in his possession wherever the same shall be found within the city, or of any goods or chattels in the possession of any occupant of such premises, such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of city taxes, and the costs chargeable shall be those payable to bailiffs under the County Courts' Act. For the purposes of this Act all electric light, and gas rates, and rents, and accounts due said city for the supplies of electric light, power or gas, shall be treated in every way as if the same were taxes levied under the provisions of the Act of Incorporation, 3 Edward VII. Cap. 17.

To enforce payment by shutting off supply, or by suit or distress

Procedure

Rates to be treated as taxes levied

Wires, pipes, meters, &c. not to be liable for attachment or debt

11. Neither the service nor connecting wire or pipes of the City, nor any meters, lustres, lamps, electric light or gas fittings, or any other property of any kind whatsoever, of the city shall be subject to or liable for rent, or liable to be seized or attached in any way by the posses-

sor or owner of the premises wherein the same may be, or in any way whatsoever liable to any person for a debt of the person to or for whose use, or for the use of whose house or building any of the said appliances may be applied by the city, notwithstanding the actual or apparent possession thereof by such person.

Officials to hold office at pleasure of City

12. All officials and other persons employed by the city in the construction, enlarging, operation or management of said Electric Light and Gas Works, or in the collection of gas rates and rents, shall hold their offices at the pleasure of the city, or as the Council shall determine by by-law or resolution in that behalf, and shall give such security as the city shall from time to time require.

Penalty for unlawful use

13. If any person or persons shall connect any wire, lay, or cause to be laid, any pipe or main to connect or communicate with any wire, pipe, or main of the City Electric Light or Gas Works, or in any way obtain or use any electric light, power or gas therefrom, without the consent of the city, he or they shall forfeit and pay to the city for electric light or gas works' purposes, the sum of Fifty dollars in addition to the estimated value of said electric light, power or gas so obtained, and in addition also the sum of Five dollars per day for each day during which such communications remain, together with costs of suit in that behalf may be recovered by civil action in any court of law in the province having jurisdiction. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which gas is to be taken, the city may lay the service pipes across such vacant space and

charge the cost thereof to the owner of such building and collect the same in advance or upon such terms as may be provided by by-law of the Council or by agreement of the parties.

Apparatus under control of City

14. All service and other pipes, whether within or without buildings, together with all branches, couplings and apparatus placed thereon or therein by the city shall be under its control.

Style of Burners, etc.

15. All parties supplied with gas by the city may be required to place and use such style of burners and other appliances for the consumption and use of such gas as may be approved of by the City Council.

City not liable for damages or breakage

16. The city shall not be liable for damages caused by the breaking of any wire, service pipe or other appliance, or for any shutting off of gas by reason of accidents to the works, wires, pipes or other appliances, or by reason of it being considered necessary to repair any of the same.

Access for Inspection &c.

17. It shall be lawful for the officers of the city, and every person authorized by them, to have free access at proper hours of the day to all parts of every building in which electric light, power or gas, is consumed or delivered, for the purpose of erecting electric light or gas meters, making repairs, or of inspection, or altering or repairing any wires, pipes or other appliances, and for the purpose of removing any or all of the same.

May sell lands, etc.

18. The city may sell or convey any lands or other property, real and personal, purchased

for said electric light or gas works, if the same shall cease to be required or which the city shall deem unnecessary therefor, either for cash or credit or partly cash, and partly credit with power to take a mortgage or mortgages to secure payment of the purchase money. The proceeds arising from any such sale to be added to and form part of the funds for the construction of electric light or gas works and the same shall be extended and paid out in like manner as the proceeds of electric light and gas works' debentures under the provisions of this Act.

City to have full possession, etc.

19. The city shall have full, entire and exclusive possession, control and management of all lands and electric light and gas works, wires, pipes, appliances, and all things appertaining thereto, and shall and may prosecute and defend any action or actions, suit or suits or process at law or in equity against any person or persons or corporations for money due for the use of electric light, power or gas, for the breach of any contract expressed or implied touching the execution or management of the works or the supply or distribution of electric light, power or gas, or of any promise or contract made to or with the city, and also for injury, damage, trespass, nuisance or other wrongful act done, committed or suffered to the said lands, works, pipes, wires or appliances, or other things of any kind, or any apparatus belonging to or connected with any part of the said Electric Light or Gas Works, or for any improper use or waste of electric light, power or gas.

Power to issue Debentures

20. For the purpose of constructing said electric light and gas works, or either of said works, and erecting the necessary poles and

wires and laying said pipe and making the necessary connections, and paying the interest on the debentures hereinafter mentioned, during the progress of construction of the said works, and expenses attendant thereon, or for the purpose of meeting a payment or any other matter or thing contemplated by this Act, the City shall have power to pass a By-law or By-laws for the issue of debentures of the said city, to be called "Electric Light and Power" Debentures, and to issue such debentures for a sum of money not exceeding Seventy-five Thousand Dollars ($75,000) of lawful money of Canada, in sums not less than five hundred dollars each, as to the city seems expedient, which debentures shall be made payable and at the times following, that is to say,—within a period not exceeding twenty-five years from the dates of the respective issues thereof. Said debentures shall bear interest at the rate of not more than four per cent. per annum, which shall be payable not oftener than half-yearly. The said debentures shall be signed by the Mayor and City Clerk of the City of Charlottetown for the time being, or by such other additional officers as may be prescribed by by-law, and may be made payable in current money of the Dominion of Canada ; and the Council and their successors shall, for the purpose of providing a sinking fund for the payment of said debentures as aforesaid, and the interest on the same, raise annually from the completion of the said works or at the expiration of twenty-five years from the date of the first issue of said debentures, such sum or sums as may be necessary to pay the interest and provide a sinking fund to meet the whole of such debentures in full as the same shall become due respectively, and shall levy a

rate for that purpose to be settled, imposed and levied in each and every year, to pay said principal and interest on such debentures over and above such revenue as shall from year to year be ascertained as the surplus, over and above the cost of operating and repairing said works.

Proceeds of Debentures

21. The proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said city, and the same shall only be paid out on resolution of the Council on the check of the Mayor and the city clerk as may from time to time be required for the discharge of the liabilities that may be incurred in carrying out the works and improvements contemplated by this Act, and for the payment of interest accruing due on said debentures during the period of erection and completion of the said works. Provided also that nothing herein contained shall prevent the city, should they deem it advantageous so to do, from paying the contractor or contractors or others in debentures, either at par or at such rate of discount as the city in its judgment shall deem advisable, nor for selling or negotiating the same as to them may seem most expedient and advantageous to the interests of the city.

Payment in Debentures

Works, etc. mortgaged for repayment of sums borrowed

22. The said works to be erected and constructed under this Act, and also the land to be acquired for the purposes thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the city for the purpose of this Act, in

respect of the Electric Light Works and Gas Works, as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the debentures in the last previous section mentioned shall have a preferential claim, mortgage, hypothec, or privilege, on said lands, works and property appertaining thereto, for the securing of the payment of said debentures and interest thereon.

Revenue,—how applied

23. After the construction of the works all the revenue arising from or out of the supplying of electric light, power, gas, or from the real or personal property connected with the said works to be acquired by the city, shall, after providing for the expenses attendant upon the maintenance of said works, be applied as hereinbefore provided, and any surplus shall be treated as ordinary city revenue.

Borrowing power

24. Nothing in this Act contained shall extend to or be construed to extend to diminish the power and authority of the city hereafter to borrow on the credit of the city for the general uses and purposes of the said city as fully and effectually as though the city were not indebted for the construction or purchase and construction of the Electric Light and Gas Works, as aforesaid, and as if this Act had not been passed, any Act, Statute, Law or provision thereof to the contrary notwithstanding. The amount of the debt which may be created as in this Act provided for the purpose of constructing or acquiring by purchase electric light or gas works shall not be deemed to be part of the same to which the city's borrowing powers are limited by the "Act of Incorporation, 3rd Edward VII., Cap 17."

25. No person shall be held to be disqualified from being elected or sitting as a member of the Council of the City by reason of his taking or using electric light, power or gas supplied by or from the works of the city. No disqualification for City Council

26. When and whenever the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears, or the interpretation which such provisions would give to any word, expression or clause is inconsistent with the section or clause in which it occurs. Interpretation

(*a*) The word "City" shall mean the City of Charlottetown.

(*b*) The words "the Council" or "the City Council" shall mean the City Council of the City of Charlottetown,

(*c*) The word "Mayor," "City Clerk" shall mean the Mayor and City Clerk of the City of Charlottetown.

(*d*) The word "works," "Electric Light or Gas Works," shall be taken to mean and apply to all the buildings, machinery, poles, wires, pipes, and other appliances employed or used in the manufacture, production and distribution of gas, electric light, or power or gas by the City, and also the lands upon which the said buildings and machinery shall be situated.

CAP. XXII.

An Act to amend "An Act to consolidate and amend the several Acts incorporating the City of Charlottetown."

(Assented to 21st April, 1906.)

WHEREAS it is desirable in the interests of the City of Charlottetown, to authorize the said City of Charlottetown to expend the further sum of twenty thousand dollars, ($20,000) in permanent works, in addition to the sum of fifty thousand dollars ($50,000) heretofore authorized for that purpose.

Be it therefore enacted by the Lieutenant Governor and Legislative Assembly of the Province of Prince Edward Island, as follows :

Additional expenditure authorized

1. That the said City of Charlottetown be hereby authorized to expend a further or additional sum of twenty-thousand dollars, ($20,000) in laying down permanent streets and sidewalks in addition to the sum of fifty thousand dollars ($50,000) already authorized, and to issue debentures for said sum of twenty thousand dollars, payable in twenty years from the date of issue, and bearing interest at a rate not exceeding four per cent. per annum, payable half-yearly ; provided always that a sum sufficient be set apart annually to provide a sinking fund for the redemption af said debentures at the maturity thereof.

Not to affect borrowing powers

2. This additional sum shall not affect or be held to affect the borrowing power of the said

City, but shall be over and above the amount at present authorized by any Statute now in force limiting the borrowing powers.

3. Section seventy-two of the Act 3 Edward VII, chapter 17, is hereby amended by inserting after the word "of" in the eight line of said section the words "one hundred and," and after the word "fifty" in the same line the word "five." Sec. 72 of 3 Edw. VII cap. 17 amended

4. Section seventy-three of said Act is hereby amended by adding after the word "association" in the third line thereof, "Light and Power Company and Express Company," also by striking out after the word "fee" in the tenth line of said section "every Marine, Fire or Life," and substituting therefor the words "every Life Insurance Company or Association, one hundred dollars, ($100) each and every Marine or Fire," and adding after the word "each" in the fifteenth line thereof, "every Light and Power Company, the sum of one hundred dollars, ($100) and every Express Company the sum of one hundred dollars ($100.") Sec 73 amended

5. Section seventy-five of said Act is hereby amended by adding after the word "association" in the sixth line thereof, the words "Light and Power Company and Express Company." Sec. 75 amended

AUTOMOBILES.

6. It shall be lawful for the said Council of the said City under the provisions of section 112 of the said Act, to make such by-law or Automobiles

by-laws as to them shall appear necessary regulating the running of automobiles in the City and Common of Charlottetown, and within the limits of Victoria Park and the Park Roadway, and to limit the rate of speed at which they may be run and to make such other regulations regarding the same as may be deemed necessary.

Grants confirmed

7. All grants and payments heretofore made by the City Council of the City of Charlottetown are hereby declared to have been within the power and authority of the Council, and are hereby confirmed absolutely, and the City Councillors for the time being are hereby absolutely freed and discharged from all and every liability, personal or otherwise, by reason of their having voted in favor of and authorized or ordered such grant or payment ; and it is hereby declared that the City Council shall in future be authorized to make all like grants and payments as heretofore made, if deemed by the Council to be in the interests of the City so to do.

Parties to suit indemnified in costs

(*a*) That in any suits or actions at law now pending in any Court of law or equity, in which the rights or causes of action have been barred or limited by this Act or any of its provisions, then and in such case, the parties to such suits so prejudiced by this Act shall be entitled to indemnification from the funds of the City of Charlottetown for all costs and expenses incurred in connection with said suits, and until such costs and expenses to be taxed by the proper officer are paid and satisfied, this Act shall not apply to or prejudice such pending suits ; but the total amount of such costs shall not exceed one hundred dollars ($100) which the said Council shall be called upon to pay.

8. Section eighty-seven of the said Act of 3 Edward VII, chapter 17, is hereby amended by adding thereto the following : Sec. 87 amended

"The want of such indorsation on such lists shall not affect the authority of the Collector to collect any rates, taxes or assessments, but for all and every the purposes of this Act it shall be deemed and considered as if the City Clerk had duly made such endorsement." This amendment to be read as if originally contained in said section.

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